

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**BERNHARDT TIEDE, II;
TEXAS PRISONS COMMUNITY
ADVOCATES; BUILD UP, INC. A/K/A
JUSTICE IMPACTED WOMEN'S
ALLIANCE; TEXAS CITIZENS
UNITED FOR REHABILITATION OF
ERRANTS; and COALITION FOR
TEXANS WITH DISABILITIES,**

Plaintiffs,

V.

BRYAN COLLIER, in his official capacity
as Executive Director of Texas
Department of Criminal Justice,

Defendants.

**Civil Action No.:
1:23-CV-01004-RP**

**DEFENDANT'S CROSS-DESIGNATIONS AND OBJECTIONS TO
PLAINTIFFS' DEPOSITION DESIGNATIONS FOR PRELIMINARY INJUNCTION HEARING**

EXHIBIT A

David Sweetin

Designation List Report



Sweetin, David

2024-07-25

Plaintiff Designations	00:34:26
Defendant Cross-Designations	00:46:28
Overlaps	00:51:15
TOTAL RUN TIME	02:12:09



DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
8:09 - 9:08	Sweetin, David 2024-07-25	00:01:06	DS.1
	8:09 THE REPORTER: All right. Mr. Sweetin, if		
	8:10 you would, raise your right hand and be sworn, please.		
	8:11 (Witness sworn.)		
	8:12 DAVID SWEETIN,		
	8:13 having been first duly sworn, testified as follows:		
	8:14 EXAMINATION		
	8:15 BY MR. EDWARDS:		
	8:16 Q. Would you kindly state your name for the		
	8:17 record, sir.		
	8:18 A. David Sweetin.		
	8:19 Q. And you understand that you're here to testify		
	8:20 as a corporate representative for the Texas Department		
	8:21 of Criminal Justice, or, in this case, for Bryan Collier		
	8:22 in his official capacity?		
	8:23 A. Yes, sir, I understand that.		
	8:24 Q. And you understand that the testimony you give		
	8:25 is as if Bryan Collier in his official capacity is		
	9:01 testifying and that you're representing his interests		
	9:02 and the State's interests?		
	9:03 A. That is correct.		
	9:04 Q. And what have you done to prepare for this		
	9:05 deposition today?		
	9:06 A. I've reviewed policies that the agency has in		
	9:07 place, I've had discussions with counsel, and done a lot		
	9:08 of reviewing of documents.		
19:25 - 20:09	Sweetin, David 2024-07-25	00:00:46	DS.230
	19:25 Q. (BY MR. EDWARDS) Is there a policy -- is there		
	20:01 a policy, sir, that requires all prisons in TDCJ		
	20:02 operation to be air-conditioned?		
	20:03 A. Now you're saying all prisons? There is not		
	20:04 one for all prisons, that is correct.		
	20:05 Q. There could be, if Mr. Collier, or whoever led		
	20:06 the Texas Department of Criminal Justice, decided there		
	20:07 ought to be, correct?		
	20:08 A. Again, we work under the direction of the State		
	20:09 of Texas legislators and our Board of Criminal Justice.		
20:10 - 20:15	Sweetin, David 2024-07-25	00:00:15	DS.2
	20:10 Q. Well, I'm just -- you know, earlier you told me		
	20:11 that Mr. Collier was empowered to enact policy at the		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	20:12 department. Did you make a mistake or were you wrong		
	20:13 about that?		
	20:14 A. Not at all. No, Mr. Collier very much has the		
	20:15 ability to make that policy.		
20:16 - 20:18	Sweetin, David 2024-07-25	00:00:09	DS.231
	20:16 Q. Okay. I'm not asking you whether or not he has		
	20:17 the funds to fulfill it. Do you understand the -- look,		
	20:18 I don't know why you're fighting me on this. I think		
20:19 - 20:23	Sweetin, David 2024-07-25	00:00:15	DS.3
	20:19 the answer is obvious. Mr. Collier, despite knowing		
	20:20 about the requirement that all county jails are		
	20:21 air-conditioned, has not adopted a similar policy in the		
	20:22 Texas Prison System, has he?		
	20:23 A. He has not.		
25:01 - 26:01	Sweetin, David 2024-07-25	00:01:21	DS.232
	25:01 Q. Are you aware that a federal judge determined		
	25:02 that the warden, in his official capacity and the lead		
	25:03 administrator, head of the agency for the Texas		
	25:04 Department of Criminal Justice, in his official		
	25:05 capacity, acted with deliberate indifference to the		
	25:06 health and safety of the inmates at the Pack Unit?		
	25:07 A. I don't know specifically what the charge was,		
	25:08 but I do know that there was a lawsuit that we worked		
	25:09 through at the Pack Unit. I didn't read the actual		
	25:10 lawsuit. That was long after I had left the Pack Unit,		
	25:11 so I can't tell you specifically what that -- what those		
	25:12 documents said.		
	25:13 Q. Well, you were the Deputy Director For		
	25:14 Facilities when the order from the federal Judge, Keith		
	25:15 Ellison, came out. You've never read it, sir?		
	25:16 MR. CALB: Objection; asked and answered.		
	25:17 A. The Deputy Director For Facilities is not over		
	25:18 all the CID units.		
	25:19 Q. (BY MR. EDWARDS) Unfortunately, we're going to		
	25:20 be here a while. Do you understand that -- here's my		
	25:21 request, that you answer the question I ask. Do you		
	25:22 think that that's a reasonable request for me to make to		
	25:23 you?		
	25:24 A. Sure, and I think I'm doing that, sir.		
	25:25 Q. Okay. Well, let me -- I'll try again, then.		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	26:01 Maybe it's me.		
26:02 - 26:07	Sweetin, David 2024-07-25	00:00:19	DS.4
	26:02 Did you ever read Judge Ellison's order		
	26:03 finding that TDCJ and its administrators, particularly		
	26:04 the head of the agency and the warden at the time, acted		
	26:05 with deliberate indifference in the way they failed to		
	26:06 protect inmates from the dangers of extreme heat. Did		
	26:07 you ever read that order?		
26:08 - 26:12	Sweetin, David 2024-07-25	00:00:09	DS.235
	26:08 A. I --		
	26:09 MR. CALB: Objection; beyond the scope.		
	26:10 Objection; asked and answered.		
	26:11 Q. (BY MR. EDWARDS) Did you say you hadn't read		
	26:12 it?		
26:13 - 26:14	Sweetin, David 2024-07-25	00:00:03	DS.5
	26:13 A. No, sir. I'm aware of it, but I have not read		
	26:14 it.		
26:15 - 26:25	Sweetin, David 2024-07-25	00:00:44	DS.233
	26:15 Q. You don't know what's in it, do you?		
	26:16 A. Some of it, yes, sir.		
	26:17 Q. Well --		
	26:18 A. You're asking me very broad terms, and I --		
	26:19 Q. I'm just asking if you read it and if you know		
	26:20 what's in it. You say -- How do you know some of the --		
	26:21 How do you know some of the things that are in it? How		
	26:22 do you -- Where does that knowledge come from?		
	26:23 A. Various meetings, adoption of certain		
	26:24 protocols, reaction to certain requirements. Our -- our		
	26:25 operating business going forward from that time.		
27:01 - 27:04	Sweetin, David 2024-07-25	00:00:13	DS.6
	27:01 Q. Well, one of the important things of that order		
	27:02 was that it highlighted the need to provide air		
	27:03 conditioning for inmates, right?		
	27:04 A. That is correct.		
27:05 - 28:08	Sweetin, David 2024-07-25	00:02:14	DS.234
	27:05 MR. CALB: Objection; beyond the scope.		
	27:06 Q. (BY MR. EDWARDS) And I hope you are, but I'll		
	27:07 ask. Are you aware that, you know, more than 20 people		
	27:08 have died because they were exposed to the heat inside		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	27:09 the Texas Prison System since, let's say, 1998?		
	27:10 MR. CALB: Objection; vague.		
	27:11 A. I am aware that inmates have -- have passed		
	27:12 away and that there are some that have been credited		
	27:13 with heat being a cause of the factor, but not the -- or		
	27:14 associated factor, but not necessarily the causal		
	27:15 factor.		
	27:16 Q. (BY MR. EDWARDS) What does that mean?		
	27:17 A. That means that there was a series of -- of		
	27:18 ongoing issues related to deaths. I don't know of any		
	27:19 death that is -- is a direct result of heat by itself.		
	27:20 Heat was -- was named as an associated factor, but not		
	27:21 necessarily the causal factor.		
	27:22 Q. Well, do you know that what you just said is		
	27:23 patently false and not true?		
	27:24 A. No, sir.		
	27:25 MR. CALB: Objection --		
	28:01 A. I'm speaking under oath. So if I misspoke,		
	28:02 then --		
	28:03 Q. (BY MR. EDWARDS) Well, that's why I was asking		
	28:04 you. Did you misspeak when you said that there are no		
	28:05 circum -- no deaths that were directly caused by		
	28:06 exposure to heat?		
	28:07 A. Is your question, that were directly related to		
	28:08 heat?		
28:09 - 28:14	Sweetin, David 2024-07-25	00:00:19	DS.7
	28:09 Q. No. My question was, is it your -- is it		
	28:10 really your testimony, as the representative of the		
	28:11 Texas Department of Criminal Justice, that there have		
	28:12 been no deaths that were in the Texas Prison System that		
	28:13 were directly caused by exposure to extreme heat?		
	28:14 A. Yes, that is my testimony that --		
28:15 - 29:09	Sweetin, David 2024-07-25	00:01:39	DS.236
	28:15 Q. Okay. And my -- my question to you is, you		
	28:16 know, knowing that to be not true -- not that you're		
	28:17 lying, but that the statement you just uttered is not		
	28:18 true, you -- you believe it is true, fair?		
	28:19 A. Absolutely.		
	28:20 Q. Okay. Do you agree that people dying as a		
	28:21 consequence of exposure to extreme heat is a terrible		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	28:22 thing that needs to be remedied by the Department of		
	28:23 Criminal Justice and its executive director?		
	28:24 A. Yes, I would agree that any death is not a good		
	28:25 death, anything that's associated with heat would not		
	29:01 necessarily be good.		
	29:02 Q. Well, I'd say it would be pretty terrible and		
	29:03 bad. Would you agree with that?		
	29:04 A. Sure, as if -- as any death would be.		
	29:05 Q. Sure. Well, I mean, if you know about a		
	29:06 dangerous condition in the Texas Prison System, it's the		
	29:07 job of the director to -- to fix that dangerous		
	29:08 condition, right?		
	29:09 A. That would be a fair statement.		
29:16 - 29:21	Sweetin, David 2024-07-25	00:00:21	DS.8
	29:16 Q. And, you know, if there was one death or 20		
	29:17 deaths, you would tell Judge Pittman, you know, if a		
	29:18 dangerous condition that we know about is responsible		
	29:19 for killing one person, we ought to do everything in our		
	29:20 power to fix that dangerous condition and get rid of it,		
	29:21 right?		
29:23 - 30:03	Sweetin, David 2024-07-25	00:00:22	DS.9
	29:23 A. Yes.		
	29:24 Q. (BY MR. EDWARDS) And would you also tell Judge		
	29:25 Pittman that you, as an agency, are doing everything in		
	30:01 your power to fix the dangerous condition of extreme		
	30:02 heat in the Texas Prison System?		
	30:03 A. Yes, I would agree with that.		
30:01 - 30:03	Sweetin, David 2024-07-25	00:00:13	DS.10
	30:01 your power to fix the dangerous condition of extreme		
	30:02 heat in the Texas Prison System?		
	30:03 A. Yes, I would agree with that.		
38:01 - 38:12	Sweetin, David 2024-07-25	00:00:39	DS.11
	38:01 Q. Right. And you're in the process currently of,		
	38:02 you know, making retrofits to install, you know,		
	38:03 approximately -- I don't know -- ten to 12 or even		
	38:04 13,000, we'll call them cool beds, currently, right?		
	38:05 A. 14,000 air-conditioned beds, approximately,		
	38:06 yes, sir.		
	38:07 Q. And you're doing that because you want to		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	38:08 ameliorate or fix the dangers that extreme heat poses to		
	38:09 the inmate population and the correctional officer		
	38:10 population, right?		
	38:11 A. We're doing it because we believe it's the		
	38:12 right thing to do.		
39:02 - 39:11	Sweetin, David 2024-07-25	00:00:45	DS.12
	39:02 Q. Why is it the right thing to do to		
	39:03 air-condition the Texas prisons?		
	39:04 A. I would say the reason it's the right thing to		
	39:05 do is because of the increased temperatures that the		
	39:06 state is seeing, the increase of medication that -- that		
	39:07 inmates are on as opposed to 20 years ago, 30 years ago,		
	39:08 40 years ago. There's a lot of factors that -- that		
	39:09 exacerbate the need for wanting to air-condition. So		
	39:10 for that reason, yes, sir, I believe -- we believe --		
	39:11 the agency -- that it's the right thing to do.		
40:07 - 40:14	Sweetin, David 2024-07-25	00:00:24	DS.237
	40:07 Q. And I believe you had also stated that the --		
	40:08 that the population in the Texas Prison System, it's		
	40:09 getting older, isn't it, over the last 20 or 30 years.		
	40:10 Fair?		
	40:11 MR. CALB: Objection; beyond the scope.		
	40:12 Q. (BY MR. EDWARDS) I apologize. I didn't hear		
	40:13 you over Mr. Calb's objection. Was that a yes?		
	40:14 A. That is correct.		
40:15 - 40:25	Sweetin, David 2024-07-25	00:00:43	DS.13
	40:15 Q. Okay. And you understand that when you get		
	40:16 older, you become more vulnerable to the dangers of		
	40:17 extreme heat, temperatures above 90, 95 degrees, right?		
	40:18 A. Some do, yes.		
	40:19 Q. Well, it's -- are you aware of studies -- and		
	40:20 you're here to talk about studies -- studies that, you		
	40:21 know, make it pretty evident that the older you get, the		
	40:22 more vulnerable you are to high temperatures and high		
	40:23 heat indexes. Are you aware of that?		
	40:24 A. I would say, as a general rule, yes, I'm aware		
	40:25 of that.		
41:09 - 41:12	Sweetin, David 2024-07-25	00:00:10	DS.14
	41:09 Q. So it is -- you know, it is the goal of the		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	41:10 Texas Department of Criminal Justice to air-condition		
	41:11 the entire prison system, correct?		
	41:12 A. That is correct, yes, sir.		
42:06 - 42:15	Sweetin, David 2024-07-25	00:00:44	DS.238
	42:06 Q. And given that it's -- it's the goal of the		
	42:07 prison system to provide air conditioning to make the		
	42:08 environment safe for the inmates and for the		
	42:09 correctional officers, has TDCJ explored any temporary		
	42:10 fixes to cool the temperatures down in the Texas prisons		
	42:11 that have temperatures in the 90s or 100 degrees?		
	42:12 A. Yes, sir, we have explored that. And on some		
	42:13 units right now, we actually do have temporary		
	42:14 air-conditioning systems, along with generation --		
	42:15 generative capability for the electricity to power them.		
42:16 - 43:04	Sweetin, David 2024-07-25	00:00:57	DS.15
	42:16 Q. Okay. So let's drill down on that. So		
	42:17 Director Collier and the agency are aware that -- that		
	42:18 there is the possible fix of temporarily		
	42:19 air-conditioning units, correct?		
	42:20 A. In theory? Yes.		
	42:21 Q. Well, not in theory, in reality, right? Here's		
	42:22 the reality. Someone could make a phone call to a		
	42:23 business that rents air conditioners and temporarily		
	42:24 install air conditioning at a prison, correct?		
	42:25 A. That is correct. Providing that the equipment		
	43:01 is available.		
	43:02 Q. Sure. And that's what you-all did at the Pack		
	43:03 Unit, right?		
	43:04 A. Yes, sir, that is correct. We had --		
43:11 - 43:16	Sweetin, David 2024-07-25	00:00:17	DS.16
	43:11 After you agreed in a settlement following		
	43:12 an order from a judge saying the agency was deliberately		
	43:13 indifferent to the health and safety of various inmates		
	43:14 at the Pack Unit, you agreed to permanently install air		
	43:15 conditioning at the Pack Unit, correct?		
	43:16 A. Yes, sir, that is correct.		
43:17 - 43:24	Sweetin, David 2024-07-25	00:00:24	DS.239
	43:17 Q. And are you aware of what TDCJ testified that		
	43:18 would cost during the trial in the Pack Unit?		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	43:19 A. For the temporary?		
	43:20 Q. No, for the permanent installation of air		
	43:21 conditioning. Are you aware of what the Texas		
	43:22 Department of Criminal Justice told Judge Ellison it		
	43:23 would cost to permanently air-condition the Pack Unit?		
	43:24 A. Yes, sir.		
43:25 - 44:03	Sweetin, David 2024-07-25	00:00:14	DS.17
	43:25 Q. How much did the Texas Department of Criminal		
	44:01 Justice tell Judge Ellison it would cost to permanently		
	44:02 air-condition the Pack Unit?		
	44:03 A. Approximately 20 million.		
44:04 - 45:05	Sweetin, David 2024-07-25	00:01:37	DS.240
	44:04 Q. I believe it was 22 million, but let's use --		
	44:05 approximately 20 million seems like a candid answer.		
	44:06 How much did it actually cost to		
	44:07 permanently install air conditioning at the Pack Unit?		
	44:08 A. Approximately 8 million.		
	44:09 Q. Well, it cost 4 million. Isn't that correct,		
	44:10 sir?		
	44:11 A. No, sir, I've -- the number I have is 8		
	44:12 million, when the books were finally closed on that, it		
	44:13 resulted in a total of right at \$8 million.		
	44:14 Q. It is your contention that it cost \$8 million		
	44:15 to air-condition the Pack Unit?		
	44:16 A. That was my understanding, yes, sir.		
	44:17 Q. And where does that -- what is the basis for		
	44:18 that? Because I'll represent to you that I believe it		
	44:19 is 4 million. But it wouldn't be the first time I'm		
	44:20 wrong. Perhaps you're adding other things in there, but		
	44:21 I could be wrong.		
	44:22 What is the factual basis for you telling		
	44:23 the court that it cost \$8 million to install air		
	44:24 conditioning at the Pack Unit?		
	44:25 A. That was my discussion with Dale Cox yesterday		
	45:01 to confirm numbers that I was looking at. I am aware		
	45:02 that there was a \$4 million price that was out there and		
	45:03 talked about, but I can tell you that at the close of		
	45:04 that project, after everything was in, it totaled 8		
	45:05 million.		
45:06 - 45:18	Sweetin, David 2024-07-25	00:00:37	DS.19

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	45:06 Q. Well, sir, are you aware that Director Collier testified to the legislature that about a \$4 million cost is what we're looking at in terms of air conditioning the Pack Unit?		DS.19
	45:07		
	45:08		
	45:09		
	45:10 A. Yes, sir.		
	45:11 Q. He told the legislature it would cost		
	45:12 \$4 million, correct?		
	45:13 A. Yes, sir.		
	45:14 Q. And you're telling me it actually cost		
	45:15 \$8 million?		
	45:16 A. I'm telling you, based on my conversation		
	45:17 yesterday with Dale Cox, who gave me the final number,		
	45:18 that project came in at 8 million.		
45:19 - 46:18	Sweetin, David 2024-07-25	00:01:18	DS.241
	45:19 Q. Okay. But you don't know what that project		
	45:20 entailed, do you?		
	45:21 A. Yes, sir, I do.		
	45:22 Q. Okay. Well, why don't you walk me through why		
	45:23 it cost twice as much as Director Collier said it would		
	45:24 cost?		
	45:25 A. Well, that I cannot specifically tell you why		
	46:01 I'm above the number that --		
	46:02 (Speaking simultaneously.)		
	46:03 Q. Well, break down the \$8 million. What -- what		
	46:04 money -- what was spent on that \$8 million that I		
	46:05 understood to be \$4 million, based on Director Collier's		
	46:06 testimony to the legislature?		
	46:07 A. Well, when you're looking at total cost, you're		
	46:08 looking at, obviously, design, conceptual. You're		
	46:09 looking at --		
	46:10 Q. Well, do you know what the \$8 million		
	46:11 represents, or are you just speculating now?		
	46:12 A. No, sir, I'm giving you that 8 million based on		
	46:13 my discussion yesterday. I can't give you a specific		
	46:14 breakdown as to what the 8 million was applied to. I		
	46:15 can just merely tell you what I was told, based on --		
	46:16 Q. Dale Cox told you it came in at \$8 million.		
	46:17 That's the basis for your testimony today, correct?		
	46:18 A. Correct.		
50:04 - 50:11	Sweetin, David 2024-07-25	00:00:34	DS.20

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	50:04 Q. Okay. And despite -- and the fact -- whether		DS.20
	50:05 it's 8 million or 4 million, you'd agree that the		
	50:06 ultimate cost for the Pack Unit was well below what TDCJ		
	50:07 represented to the court, right?		
	50:08 A. That is correct, yes.		
	50:09 Q. It's between 14 and \$18 million below what they		
	50:10 represented to the court, right?		
	50:11 A. Yes. The original price was based on what we		
50:12 - 52:05	Sweetin, David 2024-07-25	00:03:08	DS.242
	50:12 knew at the time and the direction that we were going to		
	50:13 go --		
	50:14 Q. Not true, sir. Not true at all. The original		
	50:15 price -- well, do you know what accounted for the		
	50:16 inflated numbers that led you to testify and argue to		
	50:17 the -- to the judge in the Cole case that it would cost		
	50:18 \$22 million to install air conditioning at the Pack		
	50:19 Unit?		
	50:20 A. I'm aware of what the plan was initially going		
	50:21 forward with the installation versus what we ended up		
	50:22 doing.		
	50:23 Q. Do you know why the price was so inflated and		
	50:24 it turned out to be 14 to \$18 million less?		
	50:25 A. Yes, sir.		
	51:01 Q. Please tell Judge Pittman why TDCJ represented		
	51:02 to a court that construction of air conditioning would		
	51:03 be 14 to \$18 million higher than it turned out to be.		
	51:04 A. Because the original plan was to source		
	51:05 everything out because, based on what we felt like the		
	51:06 design would be and needed to be to accommodate, that we		
	51:07 didn't have the in-house resources to tackle that kind		
	51:08 of project within a reasonable amount of time. So that		
	51:09 was a -- a big factor.		
	51:10 Secondly, at the time, we were under the		
	51:11 impression and felt strongly that -- that we were being		
	51:12 held to a certain requirement within the state of Texas		
	51:13 by the SECO agency, which is the -- the State Electrical		
	51:14 Commission, that we were going to have to insulate the		
	51:15 entire envelope of that unit. And when I say		
	51:16 "envelope," I'm talking about the outer shell, the shell		
	51:17 over the -- the unit, the outer skin, if you will.		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	51:18 Which was a big factor that, once we got into it, we		
	51:19 found out that, through the help of discussions with our		
	51:20 engineers, along with the outside engineering firm,		
	51:21 along with the SECO group, that that was something that		
	51:22 was not applicable to us, and as a result, did not		
	51:23 require us to do anything to the envelope of the		
	51:24 building.		
	51:25 When --		
	52:01 (Speaking simultaneously.)		
	52:02 Q. And that made it much cheaper, right?		
	52:03 A. Sir?		
	52:04 Q. That made it much cheaper, didn't it?		
	52:05 A. Yes, sir, it did.		
65:20 - 65:23	Sweetin, David 2024-07-25	00:00:12	DS.243
	65:20 Q. Well, again, you have no personal knowledge as		
	65:21 to how much it costs to temporarily air condition any		
	65:22 facility, do you?		
	65:23 A. Off the top of my head, no, sir.		
65:24 - 66:01	Sweetin, David 2024-07-25	00:00:14	DS.21
	65:24 Q. And it only costs \$320,000 a year to		
	65:25 temporarily air condition the Pack Unit, right?		
	66:01 A. Correct.		
69:01 - 69:12	Sweetin, David 2024-07-25	00:00:39	DS.244
	69:01 Q. Well, now, hold on. Are they being -- there		
	69:02 are plans to permanently install air conditioning in		
	69:03 portions of these facilities, correct?		
	69:04 A. There are plans in place to provide air		
	69:05 conditioning for the inmate-living areas.		
	69:06 Q. And when -- and they're actually -- have they		
	69:07 been designed?		
	69:08 A. Yes, sir.		
	69:09 Q. And have those designs been provided to the		
	69:10 plaintiffs in this case?		
	69:11 A. That, I couldn't tell you.		
	69:12 Q. Okay. And have -- has -- those are designs		
69:13 - 69:24	Sweetin, David 2024-07-25	00:00:35	DS.22
	69:13 to -- so you're telling me, the current plan is to		
	69:14 permanently install air conditioning in all the fast		
	69:15 track facilities?		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	69:16 A. Yes, sir, that is -- that is the plan.		
	69:17 Q. And that's -- and that's because the fast track		
	69:18 facilities contain inmates that -- and one of the		
	69:19 reasons why you're going to install air conditioning in		
	69:20 these fast track facilities is because you have the		
	69:21 resources to do it and there is a need to protect the		
	69:22 inmates and the correctional officers from the dangers		
	69:23 of extreme heat, fair?		
	69:24 A. Yes, sir.		
69:25 - 70:04	Sweetin, David 2024-07-25	00:00:12	DS.245
	69:25 Q. Okay. Now, my understanding, with these fast		
	70:01 track facilities, is that the plans call for permanent		
	70:02 installation of air conditioning. Is that your		
	70:03 understanding as well?		
	70:04 A. That is correct.		
70:19 - 70:24	Sweetin, David 2024-07-25	00:00:22	DS.23
	70:19 When -- when does TDCJ contend the		
	70:20 permanent installation of these facilities with regards		
	70:21 to air conditioning of the housing areas will be		
	70:22 accomplished?		
	70:23 A. At the -- we are on track for end of fiscal		
	70:24 year '25.		
70:25 - 71:14	Sweetin, David 2024-07-25	00:00:51	DS.246
	70:25 Q. So it's 2024 now, right?		
	71:01 A. Correct.		
	71:02 Q. And your estimation -- or the agency's		
	71:03 estimation is that these 11 fast track facilities will		
	71:04 be fully air-conditioned by -- by when in 2025?		
	71:05 A. Not all 11 of them. But I will tell you that		
	71:06 we have some right now that have got temporary air, and		
	71:07 we have --		
	71:08 Q. That's not my -- I'm going to go back to that,		
	71:09 sir, I promise you, okay?		
	71:10 A. Okay.		
	71:11 Q. When is TDCJ contending that all 11 of these		
	71:12 facilities will be fully air-conditioned?		
	71:13 A. I can only tell you that we have four that will		
	71:14 be completed in this biennium.		
71:15 - 71:18	Sweetin, David 2024-07-25	00:00:13	DS.24

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	71:15 Q. Okay. So four of the 11 that need to be		DS.24
	71:16 air-conditioned that TDCJ plans to air-condition will be		
	71:17 completed by the end of fiscal year 2025, correct?		
	71:18 A. Yes, sir.		
71:25 - 72:05	Sweetin, David 2024-07-25	00:00:14	DS.247
	71:25 contention -- TDCJ's contention that four of the 11 fast		
	72:01 track facilities that need to be air-conditioned, or		
	72:02 that TDCJ plans to air-condition will be completed,		
	72:03 correct, sir?		
	72:04 A. There will be an additional four completed,		
	72:05 that is correct.		
72:06 - 72:17	Sweetin, David 2024-07-25	00:00:33	DS.25
	72:06 Q. Okay. Which four are set to be completed by --		
	72:07 by September 1 of 2025?		
	72:08 A. That would be the Luther Unit.		
	72:09 Q. Okay.		
	72:10 A. That would be the Powledge Unit.		
	72:11 Q. Okay.		
	72:12 A. The Terrell Unit.		
	72:13 Q. Okay.		
	72:14 A. And the Jester III Unit.		
	72:15 Q. Okay.		
	72:16 A. That would be an additional 5,000		
	72:17 air-conditioned beds, approximately.		
72:23 - 72:25	Sweetin, David 2024-07-25	00:00:15	DS.248
	72:23 A. Right now, the Luther Unit is not under		
	72:24 temporary air. There are nine units, to current date,		
	72:25 that are currently utilizing temporary air conditioning.		
77:01 - 77:11	Sweetin, David 2024-07-25	00:00:41	DS.26
	77:01 You already air-condition, in every		
	77:02 facility, the warden's office, right?		
	77:03 A. Yes, sir.		
	77:04 Q. You already air-condition, in every facility,		
	77:05 the armory where the guns and the bullets are kept,		
	77:06 right?		
	77:07 A. Yes, sir.		
	77:08 Q. Do you know why TDCJ chooses to air-condition		
	77:09 the conference room or the warden's office or the		
	77:10 armory, but not the housing area?		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
77:11	A. I would say the biggest factor is financial.		
77:12 - 77:19	Sweetin, David 2024-07-25	00:00:22	DS.249
77:12	Q. Well -- okay. You answered --		
77:13	A. Air conditioning the warden's office or armory		
77:14	or conference room is going to be much cheaper than air		
77:15	conditioning the entire facility, or at least the living		
77:16	quarters of the inmates.		
77:17	Q. What's the factual basis for that statement,		
77:18	sir? Do you really know that that's true?		
77:19	A. To me, it would be common sense.		
80:04 - 80:06	Sweetin, David 2024-07-25	00:00:07	DS.250
80:04	Q. That's fair. I asked you -- That -- that's		
80:05	fine. I asked you to say it. And we'll -- we'll move		
80:06	on.		
80:07 - 81:01	Sweetin, David 2024-07-25	00:00:51	DS.27
80:07	But I want to make sure that Powledge,		
80:08	there is no -- no plans and a choice has been made by		
80:09	the agency not to -- not to utilize temporary air		
80:10	conditioning while it installs the permanent air		
80:11	conditioning, correct?		
80:12	A. Yes, sir.		
80:13	Q. Same with Terrell. There is -- Despite the		
80:14	need -- the acknowledged need for the agency to install		
80:15	air conditioning in order to protect the officers and		
80:16	inmates, there are no plans to install temporary air		
80:17	conditioning prior to the permanent installation being		
80:18	accomplished, correct?		
80:19	A. That is correct. That's not -- I'm --		
80:20	Q. The same with Jester III. Despite the agency's		
80:21	knowledge that there's a need to install air		
80:22	conditioning in order to protect the officers and		
80:23	inmates, there is no -- no plan in place in the interim		
80:24	to temporarily air-condition the Jester III Unit,		
80:25	correct?		
81:01	A. Correct.		
99:17 - 100:03	Sweetin, David 2024-07-25	00:00:47	DS.28
99:17	Q. Okay. All right. And all of the housing areas		
99:18	at the Pack now have permanent air conditioning,		
99:19	correct?		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	99:20 A. Yes, sir, to the best of my knowledge.		
	99:21 Q. And they all have a backup A/C system as well		
	99:22 as an emergency generator system in the event of a power		
	99:23 failure, correct?		
	99:24 A. Yes, sir.		
	99:25 Q. And there hasn't been a heat-related illness at		
	100:01 Pack since that happened, at least based on indoor heat,		
	100:02 correct?		
	100:03 A. Not that I'm aware of, no, sir.		
100:04 - 100:12	Sweetin, David 2024-07-25	00:00:27	DS.251
	100:04 Q. And there were heat-related illnesses at Pack		
	100:05 prior to the installation of air conditioning, weren't		
	100:06 there?		
	100:07 A. That, I couldn't tell you.		
	100:08 Q. Well, if there really -- you're aware that		
	100:09 there are heat-related illnesses throughout the Texas		
	100:10 Prison System because of the high -- the extreme heat		
	100:11 inside the housing areas, right?		
	100:12 MR. CALB: Objection; beyond the scope.		
100:13 - 100:17	Sweetin, David 2024-07-25	00:00:15	DS.29
	100:13 Q. (BY MR. EDWARDS) Yes, sir. And the point of		
	100:14 installing air conditioning, at least one of them is to,		
	100:15 you know, help prevent these illnesses from occurring or		
	100:16 deaths from occurring, right?		
	100:17 A. Correct.		
109:10 - 109:18	Sweetin, David 2024-07-25	00:00:31	DS.252
	109:10 Q. How much money was appropriated to specifically		
	109:11 deal with air conditioning in the 87th legislature?		
	109:12 A. Specifically for air conditioning? Nothing.		
	109:13 Q. Nothing. Okay. But TDCJ had spent money		
	109:14 during the 87th legislative session to air-condition its		
	109:15 prisons because it knew it had to, right?		
	109:16 A. We took it upon ourselves to take out of our		
	109:17 deferred budget and apply that to these air conditioning		
	109:18 projects. That --		
109:19 - 110:17	Sweetin, David 2024-07-25	00:01:19	DS.30
	109:19 Q. There's a deferred maintenance budget, correct?		
	109:20 A. That is correct.		
	109:21 Q. Okay. And how much money did you -- how big is		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	109:22 that deferred maintenance budget?		
	109:23 A. The budget was -- At that time, it is -- or was		
	109:24 105.4 million.		
	109:25 Q. Okay. And you understood that there was a		
	110:01 dangerous condition in the system that you needed to		
	110:02 take steps to help ameliorate, or fix. And how much of		
	110:03 that 105.4 million did you use to deal with the problem		
	110:04 of extreme heat in the Texas Prison System?		
	110:05 A. 15.5 million was committed by the agency to be		
	110:06 applied towards adding air conditioning to 21 intake		
	110:07 units.		
	110:08 Q. Okay. So for Judge Pittman's benefit, an		
	110:09 intake unit is -- is it a unit that TDCJ places inmates		
	110:10 in when they come from county jails, correct?		
	110:11 A. Yes, sir.		
	110:12 Q. And those intake units are particularly		
	110:13 dangerous places because inmates are coming from		
	110:14 air-conditioned county jails into hot houses when it's		
	110:15 during the summer, right?		
	110:16 A. Which is the reason why they were selected,		
	110:17 yes, sir.		
110:18 - 110:25	Sweetin, David 2024-07-25	00:00:26	DS.253
	110:18 Q. Okay. So TDCJ recognized that the intake		
	110:19 facilities were amongst the more dangerous facilities		
	110:20 for its inmate population and made a conscious choice to		
	110:21 prioritize air conditioning those facilities. Fair?		
	110:22 A. We felt like it was a good prioritization, yes.		
	110:23 Q. Well, it didn't feel like it was a good		
	110:24 prioritization because it rolled the dice and the intake		
	110:25 facilities came up, you know four or five or snake eyes,		
111:01 - 111:08	Sweetin, David 2024-07-25	00:00:23	DS.31
	111:01 you understood that numerous people had died at intake		
	111:02 facilities, and it made sense to air condition those		
	111:03 facilities, right?		
	111:04 A. Only reasonable.		
	111:05 Q. Right. Okay. Is that -- is there any other		
	111:06 reason you chose the intake facilities other than the		
	111:07 risks to the inmates?		
	111:08 A. No, sir.		
117:08 - 120:02	Sweetin, David 2024-07-25	00:03:11	DS.254

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	117:08 Q. Okay. And absent a court order, you're not		DS.254
	117:09 going to temporarily air condition those facilities that		
	117:10 you're not already temporarily air conditioning,		
	117:11 correct?		
	117:12 A. I can tell you that --		
	117:13 Q. Can you just answer my question, sir? Absent a		
	117:14 court order, there's no plan to, and you're not willing		
	117:15 to temporarily air condition those facilities, correct?		
	117:16 MR. CALB: Objection; argumentative. He		
	117:17 was trying to answer.		
	117:18 A. Not that I'm not willing, no, sir.		
	117:19 Q. (BY MR. EDWARDS) Okay. Well, let me ask you.		
	117:20 I would like you to please temporarily air condition		
	117:21 those 12 facilities, those 12 intake facilities to		
	117:22 protect the men, at least through October 15th. Are you		
	117:23 willing to do that, sir?		
	117:24 A. With the appropriate funding, yes, sir.		
	117:25 Q. Okay. And, you know, what -- what -- how much		
	118:01 money would that take to -- to air condition those 12		
	118:02 facilities, since you're willing to and all it would		
	118:03 take is money?		
	118:04 A. That's not all it would take, no, sir.		
	118:05 Q. Well, I thought you just said, with appropriate		
	118:06 funding, you're willing to temporarily air condition		
	118:07 those facilities right now?		
	118:08 A. But earlier my testimony was, there's other		
	118:09 resources that are involved.		
	118:10 Q. Fine.		
	118:11 A. As you say, okay, tomorrow we're going to		
	118:12 install air conditioning in all of them, that doesn't		
	118:13 mean that we can complete that with the resources that		
	118:14 we have.		
	118:15 Q. Well, how long do you think it makes to make a		
	118:16 phone call and order some temporary air conditioning out		
	118:17 to the Gurney Unit?		
	118:18 MR. CALB: Objection; calls for		
	118:19 speculation.		
	118:20 Q. (BY MR. EDWARDS) Do you know?		
	118:21 A. Do I know how long it would take?		
	118:22 Q. Yeah.		
	118:23 A. No, sir. I don't have the study on that.		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	118:24 Q. Well, you don't have to have a study, you have		
	118:25 to have a telephone. Has anyone made a phone call to		
	119:01 any organization that rents air conditioning to		
	119:02 temporarily air-condition, let's say, the Gurney Unit or		
	119:03 another intake unit?		
	119:04 A. Well, as I've stated, we've got the Holliday		
	119:05 Unit that is temporarily aired, as well as the ---		
	119:06 Q. Do you think that was my question, sir?		
	119:07 A. Sir, I'm trying to answer your question to the		
	119:08 best of my ability.		
	119:09 Q. You're really not. You're trying to answer the		
	119:10 question that you want to answer.		
	119:11 My question is this: Has anybody made a		
	119:12 phone call or done anything to attempt to -- to		
	119:13 temporarily air-condition the Gurney Unit?		
	119:14 A. Not that I'm aware of, no.		
	119:15 Q. Is anything preventing anyone from the Texas		
	119:16 Department of Criminal Justice from making a phone call		
	119:17 and getting an estimate and actually temporarily air		
	119:18 conditioning the Gurney Unit?		
	119:19 A. Is anything preventing us from?		
	119:20 Q. Yes.		
	119:21 A. Potentially, it could be funding. I mean,		
	119:22 obviously, you've got to have a funding source.		
	119:23 Q. Well, do you -- you don't even know how much it		
	119:24 would cost, do you?		
	119:25 A. Specifically for Gurney? No, sir.		
	120:01 Q. If ordered to temporarily --		
	120:02 (Speaking simultaneously.)		
120:03 - 120:10	Sweetin, David 2024-07-25	00:00:37	DS.32
	120:03 Q. If ordered to do so by the court to temporarily		
	120:04 air-condition the intake facilities that are being		
	120:05 constructed with air conditioning so that the men or		
	120:06 women are protected during the hot summer months in		
	120:07 August and September, is that something that TDCJ could		
	120:08 do, or would do if ordered to do so?		
	120:09 A. I guess, if ordered to do so, we wouldn't have		
	120:10 a choice.		
128:19 - 129:12	Sweetin, David 2024-07-25	00:01:02	DS.255
	128:19 Q. Okay. And, you know, the Gurney Unit in		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	128:20 particular, you know, that's an intake facility where		
	128:21 there's been deaths of heatstroke. Do you know that to		
	128:22 be true?		
	128:23 A. No, sir. Not specific to Gurney, no, sir, I		
	128:24 don't know --		
	128:25 Q. Well, in fact, there have been multiple deaths		
	129:01 at the Gurney Unit of heatstroke. Do you know that to		
	129:02 be -- I mean, as you testify here today, are you really		
	129:03 not aware of that?		
	129:04 A. Specific to Gurney? No, sir.		
	129:05 Q. Isn't that one of your jobs, to know where		
	129:06 people have died of heatstroke?		
	129:07 A. Are you talking about illness, or death?		
	129:08 Q. Well, I'm talking about death right now.		
	129:09 A. Okay. I'm -- I'm sure there's a document that		
	129:10 was provided to you that gave you the breakdown of where		
	129:11 the deaths were. Am I looking at it? No, sir. Do I		
	129:12 know it off the top of my head? No, sir.		
129:13 - 129:20	Sweetin, David 2024-07-25	00:00:23	DS.33
	129:13 Q. Do you think it's important to understand, you		
	129:14 know, where throughout the state people have died of		
	129:15 heatstroke?		
	129:16 A. Yes, sir, every death is important.		
	129:17 Q. Yeah, I hear that. To me, that means even one		
	129:18 death is too many in the system to be -- you know,		
	129:19 because of these hot conditions, right? That's what		
	129:20 you're telling the jury -- or Judge Pittman?		
129:21 - 129:21	Sweetin, David 2024-07-25	00:00:03	DS.256
	129:21 MR. CALB: Objection; misstates testimony.		
129:22 - 129:22	Sweetin, David 2024-07-25	00:00:04	DS.34
	129:22 A. Yes, sir.		
130:17 - 131:11	Sweetin, David 2024-07-25	00:01:20	DS.257
	130:17 A. No. What I can tell you is, when you talk		
	130:18 about legislature, you're talking about the whole body		
	130:19 of the Texas legislature. Do we have conversations with		
	130:20 the entire body of the legislature? Yeah, when we go to		
	130:21 testify, or a resource witness in regard to something,		
	130:22 there are certain legislators that seem to have a --		
	130:23 their thumb on the pulse a little bit better than		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	130:24 others, and we routinely communicate with. As far as		
	130:25 what the actual conversations are, I can only give you		
	131:01 generalities.		
	131:02 Q. Well, what steps did you take to find out what		
	131:03 communications TDCJ had between members of the Texas		
	131:04 legislature from January 1st, 2022, to the present,		
	131:05 about the dangers of high temperatures and heat indexes		
	131:06 posed to inmates?		
	131:07 A. Well, I know for a fact that -- that there was		
	131:08 money appropriated specifically during the 88th		
	131:09 legislature through House Bill 1 that appropriated funds		
	131:10 for air conditioning. So, obviously, at that point in		
	131:11 time, there was much communication about it.		
131:12 - 132:10	Sweetin, David 2024-07-25	00:01:25	DS.35
	131:12 Q. Well, look, my understanding is that the Texas		
	131:13 legislature was considering passing a bill to		
	131:14 air-condition the Texas Prison System. Is that your		
	131:15 understanding as well?		
	131:16 A. Correct.		
	131:17 Q. Okay. And that TDCJ was in favor of that bill,		
	131:18 correct?		
	131:19 A. Yes, sir.		
	131:20 Q. Okay. And -- and you were in favor of it		
	131:21 because you understood that there's a dangerous		
	131:22 condition in the system, extreme heat in the housing		
	131:23 areas, that, tragically, has killed inmates and caused		
	131:24 numerous inmates and officers to suffer heat-related		
	131:25 illnesses, right?		
	132:01 A. Yes.		
	132:02 Q. Okay. And so, again, the position of the		
	132:03 agency is, you know, we have a dangerous condition that		
	132:04 we're aware of and we need to fix it, but we are		
	132:05 unfortunately limited by resources and funds, from your		
	132:06 perspective, because the legislature hasn't allocated		
	132:07 enough money as of -- as of right now. Is that fair?		
	132:08 A. Yes, sir. Without a doubt, with the proper		
	132:09 funding from the legislature and the appropriation, we		
	132:10 could -- we could do more.		
132:11 - 132:16	Sweetin, David 2024-07-25	00:00:16	DS.258
	132:11 Q. Right. And -- and this bill that -- that		

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DESIGNATION	SOURCE	DURATION	ID
	132:12 sadly, from the inmates' perspective, the agency's		
	132:13 perspective, and certainly the correctional officers'		
	132:14 perspective, it passed the House, but it did not become		
	132:15 law, correct?		
	132:16 A. That was my understanding, yes, sir.		
132:17 - 132:25	Sweetin, David 2024-07-25	00:00:30	DS.36
	132:17 Q. Okay. And I believe the -- the head of the		
	132:18 committee in the House was a representative named Terry		
	132:19 Canales. Is that consistent with your recall as well?		
	132:20 A. Yes, sir.		
	132:21 Q. Okay. And certainly, he has communicated with		
	132:22 the agency, and the agency has communicated with him		
	132:23 about the dangers that the failure to provide air		
	132:24 conditioning causes, right?		
	132:25 A. Correct.		
133:13 - 133:16	Sweetin, David 2024-07-25	00:00:14	DS.37
	133:13 Q. (BY MR. EDWARDS) And, you know, you're aware		
	133:14 that, like, every year, like, 40, 50, maybe even more		
	133:15 officers suffer heat-related illnesses because they're		
	133:16 working in these hot conditions, right?		
133:18 - 133:25	Sweetin, David 2024-07-25	00:00:25	DS.38
	133:18 A. Yes, sir, we do have officers that fall under		
	133:19 those circumstances.		
	133:20 Q. (BY MR. EDWARDS) Well, and you're obligated		
	133:21 under the law to -- to -- to make disclosures to the		
	133:22 legislature concerning how many inmate heat-related		
	133:23 illnesses there are and how many officer heat-related		
	133:24 illnesses there are, right?		
	133:25 A. That is correct.		
134:01 - 134:05	Sweetin, David 2024-07-25	00:00:18	DS.39
	134:01 Q. Okay. And, again, you've told me that TDCJ		
	134:02 would never purposely mislead the legislature, so those		
	134:03 are publicly filed documents. It's reasonable for us to		
	134:04 rely on those reports as being accurate, right?		
	134:05 A. I would think so, yes, sir.		
134:06 - 134:10	Sweetin, David 2024-07-25	00:00:10	DS.259
	134:06 Q. And you would do more than say you would think		
	134:07 so, you would say, you know what? If we're giving it		
	134:08 to the legislature, the agency should stand by that, and		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	134:09 you would certainly hope it's accurate, right?		
	134:10 A. Yes, sir.		
134:11 - 134:13	Sweetin, David 2024-07-25	00:00:14	DS.40
	134:11 Q. Okay. Now, it would seem to me that -- that		
	134:12 the heat inside this prison system has a deleterious or		
	134:13 bad effect on staffing. Do you agree with that?		
134:15 - 134:23	Sweetin, David 2024-07-25	00:00:33	DS.41
	134:15 A. I believe it's a factor, yes, sir.		
	134:16 Q. (BY MR. EDWARDS) Yeah. And, again, topic 13		
	134:17 talks about communications between TDCJ and the		
	134:18 legislature concerning the dangers of high temperatures		
	134:19 and the effects of high heat on staffing and inmate and		
	134:20 officer safety. And, again, it seems pretty obvious to		
	134:21 me, but, you know, part of the staffing problems at TDCJ		
	134:22 are likely due to the fact that they have to work in		
	134:23 these 90- to 100-degree temperatures, right?		
134:24 - 134:24	Sweetin, David 2024-07-25	00:00:03	DS.260
	134:24 MR. CALB: Objection; beyond the scope.		
134:25 - 134:25	Sweetin, David 2024-07-25	00:00:01	DS.42
	134:25 A. Yes, sir.		
135:01 - 135:06	Sweetin, David 2024-07-25	00:00:12	DS.43
	135:01 Q. (BY MR. EDWARDS) Okay. And I'm not breaking		
	135:02 any new ground with you. I mean, certainly,		
	135:03 correctional officers talk and the head of the union has		
	135:04 come out in favor of air conditioning the prison system,		
	135:05 right?		
	135:06 A. Yes, sir.		
135:08 - 135:12	Sweetin, David 2024-07-25	00:00:16	DS.44
	135:08 A. I'm aware of it.		
	135:09 Q. (BY MR. EDWARDS) And you would tell Judge		
	135:10 Pittman it would be better and safer for the		
	135:11 correctional officers if the prisons were, in fact,		
	135:12 air-conditioned, right?		
135:14 - 135:14	Sweetin, David 2024-07-25	00:00:12	DS.45
	135:14 A. That would be a fair statement.		
136:25 - 137:08	Sweetin, David 2024-07-25	00:00:37	DS.46
	136:25 Q. All right, thanks. Now, in 2022 and 2023, TDCJ		
	137:01 gave annual reports to the Texas legislature about		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	137:02 inmate complaints related to temperature cases --		
	137:03 temperature cases of environmental hyperthermia and		
	137:04 deaths caused or exacerbated by temperatures, right?		
	137:05 A. Okay.		
	137:06 Q. That directive was pursuant to a rider to the		
	137:07 2022-2023 appropriations act, correct?		
	137:08 A. Yes, sir.		
138:01 - 138:06	Sweetin, David 2024-07-25	00:00:28	DS.47
	138:01 December 2023 report to the legislature indicated there		
	138:02 were 17 inmate heat-related illnesses in fiscal year		
	138:03 2023. So I think that means, from September 2022		
	138:04 through August 31st, 2023, there were 17 inmate		
	138:05 heat-related illnesses. Does that sound correct?		
	138:06 A. Yes, sir.		
138:21 - 139:04	Sweetin, David 2024-07-25	00:00:31	DS.48
	138:21 Q. And fair to say it would be a very large		
	138:22 problem if you didn't provide the legislature with		
	138:23 accurate information, correct?		
	138:24 A. I would agree with that.		
	138:25 Q. Now, did the Texas Department of Criminal		
	139:01 Justice receive any reports of heat-related illnesses,		
	139:02 in fiscal year 2023, that for some reason were not		
	139:03 reported to the legislature?		
	139:04 A. I'm not aware of any, no, sir. Through that		
139:05 - 139:07	Sweetin, David 2024-07-25	00:00:08	DS.261
	139:05 document that you're asking about, no, I have no		
	139:06 information on that, other than the face of the document		
	139:07 itself.		
141:02 - 141:18	Sweetin, David 2024-07-25	00:01:07	DS.49
	141:02 Q. (BY MR. EDWARDS) Yeah. Well, okay. So how		
	141:03 many of those heat-related illnesses, according to this,		
	141:04 are in June?		
	141:05 A. It appears to be four.		
	141:06 Q. Okay. And, to me, that's TDCJ saying to the		
	141:07 legislature and, frankly, the public, we're only aware		
	141:08 of four heat-related illnesses that have been		
	141:09 documented. Fair?		
	141:10 A. Yes, sir, I agree to that.		
	141:11 Q. And then we've got two in July and eight in		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	141:12 August, right?		
	141:13 A. That is correct.		
	141:14 Q. And the department, Texas Department of		
	141:15 Criminal Justice, and certainly Bryan Collier would know		
	141:16 this, that they have a policy or a practice on reporting		
	141:17 heat-related illnesses, right?		
	141:18 A. Yes, sir.		
142:22 - 143:15	Sweetin, David 2024-07-25	00:01:16	DS.50
	142:22 Q. (BY MR. EDWARDS) Mr. Sweetin, my understanding		
	142:23 is that TDCJ contracts with health-care providers --		
	142:24 University of Texas Medical Branch, Texas Tech -- and		
	142:25 that those providers identify heat-related diagnoses --		
	143:01 heat-related illnesses and they provide that information		
	143:02 to TDCJ, and then TDCJ then compiles it into a report		
	143:03 for the legislature. Is that your understanding?		
	143:04 A. Yes, sir, that's my understanding.		
	143:05 Q. Okay. And, you know, my -- my understanding is		
	143:06 that UTMB or -- or Texas Tech, that they provide this		
	143:07 information to numerous people at TDCJ. You know, the		
	143:08 director of facilities, yourself; you know, Lannette		
	143:09 Linthicum, who runs the health services division; and		
	143:10 others. Is that consistent with your recall?		
	143:11 A. Yes, sir.		
	143:12 Q. Okay. And, you know, I would assume that		
	143:13 Director Collier is made aware of heat-related illnesses		
	143:14 as well. Is that correct?		
	143:15 A. That is correct.		
144:08 - 144:13	Sweetin, David 2024-07-25	00:00:22	DS.51
	144:08 Q. Well, who makes sure that this information is		
	144:09 accurate?		
	144:10 A. The final say-so in this document would come		
	144:11 out of the executive services office.		
	144:12 Q. And who runs that?		
	144:13 A. The oversight is provided by Jason Clark.		
145:05 - 145:10	Sweetin, David 2024-07-25	00:00:19	DS.52
	145:05 Q. Gotcha. Okay. Now -- now, Mr. Clark is -- is		
	145:06 Director Collier's chief of staff?		
	145:07 A. That is correct.		
	145:08 Q. Okay. And he would have conversations with		
	145:09 Director Collier about heat-related illnesses, fair?		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	145:10 A. Yes, sir, that is fair to say.		
147:25 - 148:13	Sweetin, David 2024-07-25	00:01:08	DS.53
	147:25 Q. And by 2031, do you -- do you plan to have the		
	148:01 entire system air conditioned?		
	148:02 A. Yes, sir. It's my understanding that by 3031,		
	148:03 we will be in the last phase of the air-conditioning		
	148:04 projects.		
	148:05 Q. All right. So just so I understand it,		
	148:06 currently Exhibit 3 is what, as of today, the agency has		
	148:07 committed to. But what you're telling me is that there		
	148:08 is a process in place that Director Collier has approved		
	148:09 of and designed and is going to do everything in his		
	148:10 power to make happen to get the entire system air		
	148:11 conditioned by 2031. Is that correct?		
	148:12 A. The end goal is to have it all completed		
	148:13 with -- and come within or under ten years.		
150:04 - 150:16	Sweetin, David 2024-07-25	00:00:55	DS.54
	150:04 Q. (BY MR. EDWARDS) Okay. Well, look, what		
	150:05 you're telling me is your plan is to air-condition the		
	150:06 Texas Prison System within not just ten years, within		
	150:07 seven years. Is that correct?		
	150:08 A. Yes. Barring any complications, I -- I see us		
	150:09 being able to achieve that.		
	150:10 Q. And -- and you understand that the reason that		
	150:11 you are implementing the air conditioning is		
	150:12 because the -- it is getting hotter, and the increased		
	150:13 heat causes severe problems and dangers to the inmate		
	150:14 population, especially the older population, as well as		
	150:15 the workforce, the correctional officers, right?		
	150:16 A. Yes.		
151:15 - 151:18	Sweetin, David 2024-07-25	00:00:19	DS.55
	151:15 Q. You would tell Judge Pittman, who is the -- the		
	151:16 judge in this case, that -- that you, the agency, will		
	151:17 have the problem of heat-related illness and deaths from		
	151:18 heat remedied by 2031, is that correct --		
151:20 - 151:22	Sweetin, David 2024-07-25	00:00:10	DS.56
	151:20 Q. (BY MR. EDWARDS) -- subject to appropriations?		
	151:21 A. As I stated before, barring any complications,		
	151:22 that is correct.		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
153:05 - 153:12	Sweetin, David 2024-07-25 153:05 Q. Okay. So do I have this right? The lawsuit -- 153:06 the lawsuit that this -- that you're facing now is 153:07 saying that there are dangerous conditions in the prison 153:08 and we need them to be fixed; and you're -- and -- and 153:09 the -- you're saying that we understand they're 153:10 dangerous conditions, and it is our intent to fix them, 153:11 but we need until 2031 to realistically do that. Is -- 153:12 do I hear you correctly?	00:00:28	DS.57
153:14 - 153:15	Sweetin, David 2024-07-25 153:14 A. Yes, sir. We believe this is a robust plan, an 153:15 aggressive plan, that would get us to that goal.	00:00:07	DS.58
159:08 - 159:14	Sweetin, David 2024-07-25 159:08 Q. Okay. And, look, candidly, if ordered to 159:09 comply -- in -- in order to bring temperatures down to 159:10 safe levels or to place inmates in safe temperatures, 159:11 you'll do whatever's in your power, as an agency, to 159:12 comply with federal court rulings, you know, and take 159:13 advantage of your appellate rights, fair? 159:14 A. Yes, sir.	00:00:23	DS.59
160:11 - 160:23	Sweetin, David 2024-07-25 160:11 Q. Fair enough. You, yourself, are getting emails 160:12 about heat-related illnesses for the inmates and the 160:13 correctional officers, right? 160:14 A. Getting reports. 160:15 Q. Sure. It's got to break your heart that people 160:16 are suffering heat-related illnesses based on hot 160:17 conditions in the Texas Prison System, given that 160:18 there's a technology that can totally prevent it. 160:19 Doesn't that hurt your heart to know that? 160:20 MR. CALB: Objection; argumentative. 160:21 A. Sure. Nobody, that I'm aware of, enjoys seeing 160:22 anybody get hurt, whether you're incarcerated or whether 160:23 you're a civilian.	00:00:40	DS.60
161:01 - 161:10	Sweetin, David 2024-07-25 161:01 different. You know there's a solution to this problem 161:02 of heat-related illnesses from the indoor temperatures 161:03 and you know that it's air conditioning, right? 161:04 A. That's not the only solution.	00:00:30	DS.61

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	161:05 Q. Well, it is -- it is a solution you know will		
	161:06 work. Isn't -- isn't it a solution you know will work?		
	161:07 A. It possibly could.		
	161:08 Q. Well, it -- it -- it has. There haven't been		
	161:09 any heat-related illnesses at the Pack Unit after you		
	161:10 put in air conditioning, right?		
161:12 - 161:19	Sweetin, David 2024-07-25	00:00:24	DS.62
	161:12 A. Not that I'm aware of.		
	161:13 Q. (BY MR. EDWARDS) Okay. Are you aware of any		
	161:14 heat-related illnesses that have occurred in air-		
	161:15 conditioned housing areas in the last 30 years at TDCJ?		
	161:16 A. I couldn't tell you one way or the other.		
	161:17 Q. Well, I'm asking you, Mr. Sweetin. Are you		
	161:18 aware of any heat-related illnesses that occurred in		
	161:19 air-conditioned housing areas?		
161:20 - 161:20	Sweetin, David 2024-07-25	00:00:02	DS.262
	161:20 MR. CALB: Objection; asked and answered.		
161:21 - 161:21	Sweetin, David 2024-07-25	00:00:02	DS.63
	161:21 A. I'm not aware of any.		
162:02 - 162:03	Sweetin, David 2024-07-25	00:00:03	DS.64
	162:02 A. That is -- is correct. I get reports that show		
	162:03 that --		
162:04 - 162:04	Sweetin, David 2024-07-25	00:00:00	DS.263
	162:04 Q. (BY MR. EDWARDS) Sure.		
162:05 - 162:05	Sweetin, David 2024-07-25	00:00:01	DS.65
	162:05 A. -- that has happened.		
163:24 - 164:07	Sweetin, David 2024-07-25	00:00:34	DS.264
	163:24 Q. (BY MR. EDWARDS) Sure. Rather than building		
	163:25 new prisons, which I'm guessing would have a higher		
	164:01 cost, the agency's made the decision that to deal		
	164:02 with -- to fix these conditions that endanger the		
	164:03 officers and the inmates, that the better solution is		
	164:04 to, you know, air-condition the existing facilities over		
	164:05 a period of time. In this case, through two -- fiscal		
	164:06 year 2031, right?		
	164:07 A. Yes, sir. I would agree with that.		
171:24 - 172:03	Sweetin, David 2024-07-25	00:00:16	DS.66
	171:24 Q. You're a director at the Texas Department of		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	171:25 Criminal Justice, correct?		
	172:01 A. That is correct.		
	172:02 Q. You report to Bryan Collier, amongst others?		
	172:03 A. Yes, sir, I do.		
172:09 - 172:19	Sweetin, David 2024-07-25	00:00:25	DS.265
	172:09 Q. (BY MR. EDWARDS) Strike that.		
	172:10 Sir, Mr. Sweetin, you per -- let's ask it		
	172:11 you personally, though I think it's within the scope.		
	172:12 I'll start with you personally.		
	172:13 Do you know whether or not the federal		
	172:14 prisons throughout Texas have air-conditioned housing		
	172:15 areas?		
	172:16 MR. CALB: Objection; beyond the scope.		
	172:17 A. I'm not here to testify on behalf of what I		
	172:18 personally know. I'm here to testify on behalf of the		
	172:19 agency.		
172:20 - 172:25	Sweetin, David 2024-07-25	00:00:12	DS.69
	172:20 Q. (BY MR. EDWARDS) Please answer my question.		
	172:21 If you don't know, you don't know, okay? You either		
	172:22 know it or you don't.		
	172:23 Do you know whether or not the federal		
	172:24 prisons in the state of Texas are air -- have		
	172:25 air-conditioned housing areas? Do you know that or not?		
173:01 - 173:01	Sweetin, David 2024-07-25	00:00:02	DS.266
	173:01 MR. CALB: Objection; beyond the scope.		
173:02 - 173:04	Sweetin, David 2024-07-25	00:00:08	DS.70
	173:02 A. I have no knowledge of that topic.		
	173:03 Q. (BY MR. EDWARDS) Have you ever thought to make		
	173:04 a phone call to find out?		
173:05 - 173:06	Sweetin, David 2024-07-25	00:00:04	DS.267
	173:05 MR. CALB: Objection; beyond the scope, and		
	173:06 to form.		
173:07 - 173:07	Sweetin, David 2024-07-25	00:00:04	DS.71
	173:07 A. No, sir, it never crossed my mind.		
174:04 - 174:06	Sweetin, David 2024-07-25	00:00:05	DS.72
	174:04 Q. Don't you think it would be a good idea to find		
	174:05 out if the federal prisons have air-conditioned housing		
	174:06 areas?		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
174:08 - 174:15	Sweetin, David 2024-07-25 174:08 A. Do I think it would be a good idea? 174:09 Q. (BY MR. EDWARDS) Yes. 174:10 A. I don't -- I don't see what relevance that 174:11 would have with regard to what we're doing. I don't 174:12 need to know what the feds are doing in regard to air 174:13 conditioning or their operations, because that's apart 174:14 and separate from the way we operate and who we answer 174:15 to.	00:00:33	DS.73
177:22 - 177:25	Sweetin, David 2024-07-25 177:22 Q. (BY MR. EDWARDS) COPD is a medical condition 177:23 that makes one more vulnerable to the heat, according to 177:24 TDCJ, correct? 177:25 A. Yes, sir.	00:00:11	DS.74
193:20 - 193:23	Sweetin, David 2024-07-25 193:20 Q. From -- from January 1, 2022, to the present, 193:21 Mr. Tiede had medical vulnerabilities which made him 193:22 heat sensitive, right? 193:23 A. For periods of time.	00:00:15	DS.75
194:12 - 194:22	Sweetin, David 2024-07-25 194:12 Q. Yeah. What periods of time from January 21 -- 194:13 January 1, 2022, to the present do you contend that 194:14 Bernie Tiede was, in fact, medically vulnerable and 194:15 ought to have been in air-conditioned housing? 194:16 A. My understanding, that there was two separate 194:17 occasions where he was prescribed medication that would 194:18 require him, based on our agency policy and protocol, to 194:19 be housed in air-conditioned housing. 194:20 Q. When? 194:21 A. Specifically, there was three days in August of 194:22 '23.	00:00:46	DS.76
195:20 - 196:02	Sweetin, David 2024-07-25 195:20 Q. (BY MR. EDWARDS) So it's TDCJ's position, 195:21 after looking at all the records, that Mr. Tiede was 195:22 appropriately housed at all times during his custody? 195:23 A. That is correct. 195:24 Q. And what is that opinion based upon, sir? 195:25 A. Based upon our policies, procedures, and 196:01 protocols of the Texas Department of Criminal Justice as	00:00:30	DS.77

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	196:02 well as the --		
198:16 - 198:24	Sweetin, David 2024-07-25	00:00:37	DS.79
	198:16 Q. (BY MR. EDWARDS) You don't think his medical		
	198:17 condition, sir, warrants Mr. Tiede being placed in		
	198:18 air-conditioned housing, according to your policies?		
	198:19 A. Just because somebody's diagnosed with		
	198:20 something, that doesn't necessarily mean to what end of		
	198:21 the spectrum that they are. They could be entry level.		
	198:22 In this case, clearly, whatever it was that he was --		
	198:23 was diagnosed with was not to the extent that required		
	198:24 him to be in air-conditioned housing.		
199:15 - 199:17	Sweetin, David 2024-07-25	00:00:10	DS.80
	199:15 On August 17th, 2023, through		
	199:16 September 13th, he was not in air-conditioned housing.		
	199:17 Do you have any idea why, given his medical conditions?		
199:19 - 199:25	Sweetin, David 2024-07-25	00:00:14	DS.81
	199:19 A. No. The only thing I can tell you is he was		
	199:20 appropriately assigned.		
	199:21 Q. (BY MR. EDWARDS) Well, you don't have any		
	199:22 medical basis for saying that. You're just saying that		
	199:23 the agency contends he was appropriately assigned,		
	199:24 right?		
	199:25 A. Yes, sir.		
200:01 - 200:04	Sweetin, David 2024-07-25	00:00:18	DS.82
	200:01 Q. Does that mean that people with COPD, diabetes,		
	200:02 obesity, and emphysema are appropriately assigned if		
	200:03 they're in non-air-conditioned housing during the month		
	200:04 of July or August at TDCJ?		
200:06 - 200:11	Sweetin, David 2024-07-25	00:00:21	DS.83
	200:06 A. Again, what I can -- I can tell you is, based		
	200:07 on medical diagnosis, that's not a automatic conclusion		
	200:08 that somebody would be put in air-conditioned housing.		
	200:09 I mean, for instance, I could go to my		
	200:10 doctor right now and -- and be labeled as obese because		
	200:11 I'm overweight based on my -- my frame.		
201:05 - 201:10	Sweetin, David 2024-07-25	00:00:18	DS.84
	201:05 Q. (BY MR. EDWARDS) Even though obesity is a		
	201:06 well-known medical vulnerability -- and Judge Pittman		
	201:07 will hear about that -- it is TDCJ's position that		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	201:08 obesity is not enough to warrant placement in 201:09 air-conditioned housing, according to its standards. Is 201:10 that correct?		
201:11 - 201:12	Sweetin, David 2024-07-25 201:11 MR. CALB: Objection. 201:12 Q. (BY MR. EDWARDS) Okay.	00:00:02	DS.268
201:13 - 201:16	Sweetin, David 2024-07-25 201:13 A. That alone does not warrant it. Yes, sir, 201:14 that's what I'm saying. 201:15 Q. What about that along with emphysema and 201:16 diabetes and COPD?	00:00:08	DS.85
201:18 - 201:19	Sweetin, David 2024-07-25 201:18 A. Again, he was appropriately assigned based on 201:19 what he had going on at the time.	00:00:07	DS.86
202:20 - 202:23	Sweetin, David 2024-07-25 202:20 Q. (BY MR. EDWARDS) Are you aware that his 202:21 placement in housing changed as a direct consequence of 202:22 a judicial ruling in this case? 202:23 A. Yes, sir, I'm aware of that.	00:00:12	DS.87
203:02 - 203:08	Sweetin, David 2024-07-25 203:02 Before the hearing, he was in 203:03 un-air-conditioned, I would submit to you, dangerous 203:04 housing. And then after the hearing, he was ordered -- 203:05 I'm sorry -- TDCJ was ordered to place him in 203:06 air-conditioned and safe housing. You're aware of that, 203:07 right? 203:08 A. Yes, sir, I'm aware of that.	00:00:19	DS.88
205:07 - 205:14	Sweetin, David 2024-07-25 205:07 Q. (BY MR. EDWARDS) All right. Are there 205:08 restrictions currently in -- on Bernie Tiede's record 205:09 that require him to be placed in air-conditioning? 205:10 Currently. 205:11 A. It's my understanding that he has no current 205:12 requirement. 205:13 Q. Okay. So he is at risk, then, of being moved 205:14 into un-air-conditioned housing at any moment, fair?	00:00:31	DS.89
205:16 - 205:23	Sweetin, David 2024-07-25 205:16 A. Possibly, yes, sir.	00:00:19	DS.90

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	205:17 Q. (BY MR. EDWARDS) Well, not possibly. The risk		
	205:18 is real, isn't it?		
	205:19 A. It's possible.		
	205:20 Q. Well, okay. It's possible because TDCJ has		
	205:21 determined that this man's condition doesn't make him		
	205:22 medically vulnerable to the point that he needs air		
	205:23 conditioning, right?		
205:25 - 205:25	Sweetin, David 2024-07-25	00:00:03	DS.91
	205:25 A. I will agree to that, yes, sir.		
206:01 - 206:05	Sweetin, David 2024-07-25	00:00:26	DS.92
	206:01 Q. (BY MR. EDWARDS) And that's despite the fact		
	206:02 that he has emphysema, COPD, suffers from obese -- or		
	206:03 diabetes and has had a stroke, which has resulted in		
	206:04 partial paralysis, it is still the opinion of TDCJ that		
	206:05 he's not heat sensitive, warranting air conditioning?		
206:07 - 206:07	Sweetin, David 2024-07-25	00:00:03	DS.93
	206:07 A. That is correct.		
214:01 - 214:04	Sweetin, David 2024-07-25	00:00:12	DS.94
	214:01 Q. Okay. And you're -- Okay. I mean, you		
	214:02 understand that heat waves are going to happen in the		
	214:03 state of Texas, correct?		
	214:04 A. Yes, I understand that.		
214:23 - 214:25	Sweetin, David 2024-07-25	00:00:05	DS.269
	214:23 A. That all of them will?		
	214:24 Q. Yeah. That was your testimony.		
	214:25 A. All 101?		
222:17 - 222:19	Sweetin, David 2024-07-25	00:00:10	DS.95
	222:17 Wouldn't you agree that to a statistical		
	222:18 certainty, every prison in the state of Texas is likely		
	222:19 to exceed 85 degrees?		
222:21 - 222:21	Sweetin, David 2024-07-25	00:00:03	DS.96
	222:21 A. I would agree to that.		
224:05 - 224:08	Sweetin, David 2024-07-25	00:00:15	DS.97
	224:05 Q. All right. Do you understand that every		
	224:06 reasonable effort should be made to prevent injuries		
	224:07 related to excessive or extreme temperatures?		
	224:08 A. Yes, sir.		
224:09 - 225:07	Sweetin, David 2024-07-25	00:01:09	DS.270

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	224:09 Q. Okay. And, certainly, air conditioning is a		DS.270
	224:10 reasonable measure which would help prevent injuries		
	224:11 related to excessive or extreme temperatures, correct?		
	224:12 MR. CALB: Objection; form.		
	224:13 A. No, sir, I disagree with that.		
	224:14 Q. (BY MR. EDWARDS) You don't think it's -- a		
	224:15 reasonable effort would include air conditioning?		
	224:16 MR. CALB: Objection to form.		
	224:17 A. No, sir, that's not the spirit and intent of		
	224:18 the policy.		
	224:19 Q. (BY MR. EDWARDS) Well, look, it just says --		
	224:20 what does the word "every" mean to you?		
	224:21 MR. CALB: Objection; form.		
	224:22 A. Encompassing all.		
	224:23 Q. (BY MR. EDWARDS) Okay. You're saying every		
	224:24 reasonable effort shall -- "shall" eliminates		
	224:25 discretion, right? "Shall" says you got to do it all		
	225:01 the time, right?		
	225:02 A. Within our ability.		
	225:03 Q. Sure. Every reasonable effort shall be made to		
	225:04 prevent injuries related to excessive or extreme		
	225:05 temperatures in the TDCJ. That's what this -- that's		
	225:06 what the statement says under the word "policy," right?		
	225:07 A. Yes, sir.		
229:22 - 229:25	Sweetin, David 2024-07-25	00:00:13	DS.98
	229:22 Q. (BY MR. EDWARDS) Sure. You understand, as an		
	229:23 agency, that the temperatures that the inmates are		
	229:24 exposed to during the summer months are so high and		
	229:25 potentially dangerous that they're at very real risk of		
230:01 - 230:02	Sweetin, David 2024-07-25	00:00:09	DS.99
	230:01 harm and serious injury, you know, unless, you know,		
	230:02 adequate measures are taken to protect them, right?		
230:04 - 230:04	Sweetin, David 2024-07-25	00:00:02	DS.100
	230:04 A. Yes, I will agree with that.		
230:05 - 230:14	Sweetin, David 2024-07-25	00:00:32	DS.271
	230:05 Q. (BY MR. EDWARDS) One of the measures that		
	230:06 you've long had at the agency is the provision of water,		
	230:07 right?		
	230:08 A. Yes, sir.		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	230:09 Q. Okay. And you understand that -- that the		
	230:10 provision of water is a necessary accommodation in order		
	230:11 to protect the inmates from this dangerous heat to which		
	230:12 you knowingly expose them, right?		
	230:13 MR. CALB: Objection; form, argumentative.		
	230:14 A. Yes, sir, I'd agree to that.		
231:05 - 231:22	Sweetin, David 2024-07-25	00:00:55	DS.101
	231:05 Q. I'll just ask you, is it TDCJ's policy to make		
	231:06 cold water available to inmates at all times? Or iced		
	231:07 water.		
	231:08 A. It is our policy to make sure that there is ice		
	231:09 and water available, that is correct.		
	231:10 Q. At all times, right?		
	231:11 A. At all times?		
	231:12 Q. Yes, at all times. Isn't that your policy, or		
	231:13 practice?		
	231:14 A. Again, you're talking about 24/7, 365 days a		
	231:15 year?		
	231:16 Q. No, I'm talking about 24/7 during the heat		
	231:17 period, during the summer, between April 15th and		
	231:18 October 15th. Is that your policy?		
	231:19 A. Yes, sir, I agree with that.		
	231:20 Q. Okay. And you would acknowledge that, you		
	231:21 know, that policy's only as good as the officers who are		
	231:22 implementing it, right?		
231:23 - 231:23	Sweetin, David 2024-07-25	00:00:03	DS.272
	231:23 MR. CALB: Objection to form.		
231:24 - 231:25	Sweetin, David 2024-07-25	00:00:04	DS.102
	231:24 A. Yes, sir, I will agree with that.		
	231:25 Q. (BY MR. EDWARDS) For instance, if officers		
232:01 - 232:04	Sweetin, David 2024-07-25	00:00:10	DS.103
	232:01 didn't provide water -- ice -- ice-cold water on a		
	232:02 consistent, constant basis, that would be problematic;		
	232:03 and you, as an agency, would have to rectify that,		
	232:04 right?		
232:06 - 232:11	Sweetin, David 2024-07-25	00:00:22	DS.104
	232:06 A. Yes. I agree with that.		
	232:07 Q. (BY MR. EDWARDS) Okay. Similarly, you		
	232:08 understand that one -- one of the ways that I'm told		

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DESIGNATION	SOURCE	DURATION	ID
	232:09 that you try to ameliorate this dangerous condition of		
	232:10 heat is by enabling inmates to take cold showers. Is		
	232:11 that correct?		
232:12 - 232:12	Sweetin, David 2024-07-25	00:00:02	DS.273
	232:12 MR. CALB: Objection to form.		
232:13 - 232:17	Sweetin, David 2024-07-25	00:00:14	DS.105
	232:13 A. That is correct.		
	232:14 Q. (BY MR. EDWARDS) And you -- and is it -- is it		
	232:15 the policy of TDCJ during the summer months that inmates		
	232:16 are to have access to cold showers at all -- at all		
	232:17 times?		
232:18 - 232:18	Sweetin, David 2024-07-25	00:00:07	DS.274
	232:18 MR. CALB: Objection to form.		
232:19 - 232:22	Sweetin, David 2024-07-25	00:00:11	DS.106
	232:19 A. Yes.		
	232:20 Q. (BY MR. EDWARDS) And if they're denied access		
	232:21 to a cold shower, then, that would be potentially		
	232:22 dangerous, right?		
232:23 - 232:23	Sweetin, David 2024-07-25	00:00:01	DS.275
	232:23 MR. CALB: Objection to form.		
232:24 - 232:24	Sweetin, David 2024-07-25	00:00:01	DS.107
	232:24 A. Potentially, yes, sir.		
232:25 - 233:08	Sweetin, David 2024-07-25	00:00:33	DS.276
	232:25 Q. (BY MR. EDWARDS) Okay. And, again, when		
	233:01 you're talking about risk, you're only talking about		
	233:02 potential danger, right? That's the point of risk. Not		
	233:03 everybody dies from extreme heat. It's just an elevated		
	233:04 risk that we've decided, as a society, it's too much		
	233:05 risk to account for, so we need to issue some		
	233:06 protections. That's the job of the agency, fair?		
	233:07 MR. CALB: Objection; form.		
	233:08 A. I will agree to that.		
233:09 - 233:15	Sweetin, David 2024-07-25	00:00:28	DS.108
	233:09 Q. (BY MR. EDWARDS) Okay. Now, access to air		
	233:10 conditioning, is -- is that part of your policy?		
	233:11 A. Yes, sir. We refer to that as a respite area.		
	233:12 Q. And is it -- is it the case that respite areas		
	233:13 have to be available to inmates 24 hours a day, seven		

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DESIGNATION	SOURCE	DURATION	ID
	233:14 days a week during the hotter months?		
	233:15 A. Yes, sir, that is correct.		
233:23 - 234:02	Sweetin, David 2024-07-25	00:00:10	DS.277
	233:23 Q. (BY MR. EDWARDS) Well, no, no. The ac --		
	233:24 the -- the access is an absolute necessity. Whether		
	233:25 they choose to take it is up to the inmate, right?		
	234:01 MR. CALB: Objection; form.		
	234:02 A. That is correct.		
234:03 - 234:07	Sweetin, David 2024-07-25	00:00:17	DS.109
	234:03 Q. (BY MR. EDWARDS) Okay. So if officers are		
	234:04 denying cold showers, not bringing water, or not		
	234:05 providing access to respite areas, that would be hugely		
	234:06 problematic and -- and would endanger the inmates if		
	234:07 that were happening, fair?		
234:09 - 234:10	Sweetin, David 2024-07-25	00:00:03	DS.110
	234:09 A. That would be in violation of our policy, yes,		
	234:10 sir.		
235:16 - 235:25	Sweetin, David 2024-07-25	00:00:26	DS.111
	235:16 even -- when a prison is locked down, the entire unit		
	235:17 can go into air-conditioning respite if they want to?		
	235:18 A. The entire unit?		
	235:19 Q. Sure.		
	235:20 A. No, sir.		
	235:21 Q. Okay. So not everybody has access to -- in a		
	235:22 lockdown situation, you don't have the same access to		
	235:23 these protective measures, fair?		
	235:24 A. It's fair to say they don't have free and		
	235:25 frequent access under lockdown processes, yes, sir.		
236:01 - 236:15	Sweetin, David 2024-07-25	00:00:42	DS.278
	236:01 Q. Right. And lockdowns happen a fair amount		
	236:02 during the summer months. Isn't that correct?		
	236:03 MR. CALB: Objection; outside the scope.		
	236:04 A. What's a fair amount? That's a very broad		
	236:05 statement.		
	236:06 Q. (BY MR. EDWARDS) Well, you know, I don't know.		
	236:07 You know lockdowns are going to happen during the summer		
	236:08 months. Is that a reasonable expectation that it's		
	236:09 going to happen at certain prisons during the summer?		
	236:10 MR. CALB: Objection; outside the scope.		

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DESIGNATION	SOURCE	DURATION	ID
	236:11 A. Well, what a reasonable expectation is that we 236:12 try as much as possible to work around the hot months 236:13 for the reasons that we're talking about. That's not to 236:14 say that some security concern would not elevate to the 236:15 point where we have to lock down.		
237:14 - 237:19	Sweetin, David 2024-07-25 237:14 Q. (BY MR. EDWARDS) You know, despite the 237:15 protective measures you've allegedly implemented, and 237:16 the policies you've created, that inmates and officers 237:17 continue to suffer heat-related illnesses. Isn't that 237:18 true? 237:19 A. We have had some, yes, sir.	00:00:25	DS.112
237:25 - 238:21	Sweetin, David 2024-07-25 237:25 Q. What is the basis for your statements to the 238:01 public and the press that there have been no heat- 238:02 related deaths in the Texas Prison System since 2012? 238:03 A. My assertion regarded -- regarding your 238:04 question would be that heat was determined to be part of 238:05 it -- part of the death, but not what -- was not the 238:06 causal factor. It was a combination of factors that 238:07 resulted in the death, heat of which was listed as part 238:08 of the environment, but it was not specified in the 238:09 autopsy that it was as a result of the heat. 238:10 Q. Okay. Well, so it's not true that there have 238:11 been no heat-related deaths since 2012, is it? 238:12 MR. CALB: Objection to form. 238:13 A. If you're asking me specific to heat, I will 238:14 tell you there has not been. 238:15 Q. (BY MR. EDWARDS) Okay. Well, I'm not asking 238:16 you specific to heat, even though that's also a false 238:17 statement if you really want to drill down on this. 238:18 But I'm asking -- you understand that the 238:19 word "heat-related death" means a death that is related 238:20 or partly responsible or due to the heat. You 238:21 understand that, right?	00:01:54	DS.279
239:02 - 239:14	Sweetin, David 2024-07-25 239:02 I mean -- and here's what I'm getting at, 239:03 sir. I'm not particularly interested in playing word 239:04 games or engaging in semantics with the Texas Department 239:05 of Criminal Justice. I'm a lawyer and I'm pretty	00:00:28	DS.280

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DESIGNATION	SOURCE	DURATION	ID
	239:06 clever. I could do that. But I -- I really don't get a		
	239:07 sense that you care to play word games either. Am I		
	239:08 right about your integrity?		
	239:09 MR. CALB: Objection; argumentative.		
	239:10 Q. (BY MR. EDWARDS) You care about protecting the		
	239:11 men and woman in your care, don't you?		
	239:12 MR. CALB: Objection to form,		
	239:13 argumentative.		
	239:14 Q. (BY MR. EDWARDS) Well, let me withdraw that.		
239:15 - 239:25	Sweetin, David 2024-07-25	00:00:40	DS.113
	239:15 Look, sir, is it the Texas Department of		
	239:16 Criminal Justice's position that when they tell the		
	239:17 public there are no heat-related deaths, that they're		
	239:18 not -- they don't mean that there's no deaths in which		
	239:19 heat contributed or was a factor in the death; there are		
	239:20 simply no solely, exclusively, "only heat killed that		
	239:21 person" deaths. That's what you mean?		
	239:22 A. What I mean is, when the autopsies are		
	239:23 evaluated and read, it shows that heat could have been		
	239:24 an associated factor. It doesn't necessarily mean that		
	239:25 it was a result of heat specifically.		
240:01 - 240:04	Sweetin, David 2024-07-25	00:00:10	DS.114
	240:01 Q. Well, you're telling the public that no one has		
	240:02 died as a consequence of the heat when you inform them		
	240:03 that there are no heat-related deaths. Don't you agree		
	240:04 with that?		
240:05 - 240:05	Sweetin, David 2024-07-25	00:00:06	DS.281
	240:05 MR. CALB: Objection to form.		
240:06 - 240:16	Sweetin, David 2024-07-25	00:00:34	DS.115
	240:06 A. No, sir, I don't agree with that.		
	240:07 Q. (BY MR. EDWARDS) Okay. When you tell the		
	240:08 legislature there's been no heat-related deaths, do you		
	240:09 then tell them, but there have been several deaths in		
	240:10 which heat was a contributory factor?		
	240:11 A. Anybody has access to the autopsies, as		
	240:12 they're -- they're public record.		
	240:13 Q. You think autopsies are public records?		
	240:14 A. To a certain extent, yes, sir.		
	240:15 Q. Well, do you think honesty and candor, when		

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DESIGNATION	SOURCE	DURATION	ID
	240:16 you're talking to legislature, is important?		
240:17 - 240:17	Sweetin, David 2024-07-25	00:00:01	DS.282
	240:17 MR. CALB: Objection; form.		
240:18 - 240:18	Sweetin, David 2024-07-25	00:00:01	DS.116
	240:18 A. Utmost.		
240:19 - 240:24	Sweetin, David 2024-07-25	00:00:16	DS.283
	240:19 Q. (BY MR. EDWARDS) Did you say "utmost"?		
	240:20 A. Utmost important, yes, sir.		
	240:21 Q. Do you think integrity is important when you're		
	240:22 testifying and giving statements to the public?		
	240:23 MR. CALB: Objection to form.		
	240:24 A. Yes, sir.		
241:22 - 241:25	Sweetin, David 2024-07-25	00:00:16	DS.284
	241:22 Q. (BY MR. EDWARDS) Again, "interpretation" is an		
	241:23 interesting word. You're making a choice how you		
	241:24 interpret the autopsies that -- or the deaths that occur		
	241:25 under your care, aren't you?		
242:02 - 242:09	Sweetin, David 2024-07-25	00:00:18	DS.285
	242:02 A. We're making a decision based on the		
	242:03 information that's provided to us on the autopsy from		
	242:04 the medical professionals.		
	242:05 Q. (BY MR. EDWARDS) And that decision has		
	242:06 consequences, doesn't it?		
	242:07 MR. CALB: Objection; form.		
	242:08 Q. (BY MR. EDWARDS) Doesn't it?		
	242:09 A. What decision would that be?		
242:10 - 242:14	Sweetin, David 2024-07-25	00:00:18	DS.117
	242:10 Q. Well, when you tell the legislature, the		
	242:11 public, or people that there haven't been any		
	242:12 heat-related deaths and there actually have been, it		
	242:13 makes it seem like whatever you're doing is resulting in		
	242:14 the lack of heat-related deaths, don't you think?		
242:15 - 242:15	Sweetin, David 2024-07-25	00:00:02	DS.286
	242:15 MR. CALB: Objection; form.		
242:16 - 242:16	Sweetin, David 2024-07-25	00:00:02	DS.118
	242:16 A. No, sir. I disagree with that.		
242:22 - 242:23	Sweetin, David 2024-07-25	00:00:05	DS.287

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DESIGNATION	SOURCE	DURATION	ID
	242:22 Q. You would tell -- you would tell the 242:23 legislature, reporters, the public, that there have, in		DS.287
242:24 - 242:25	Sweetin, David 2024-07-25 242:24 fact, been deaths in which heat was an important 242:25 contributory factor, wouldn't you?	00:00:08	DS.120
243:01 - 243:01	Sweetin, David 2024-07-25 243:01 MR. CALB: Objection; form.	00:00:02	DS.288
243:03 - 243:08	Sweetin, David 2024-07-25 243:03 Q. (BY MR. EDWARDS) You would tell members of the 243:04 press, the legislature, and the public that there have, 243:05 in fact, been deaths in which heat was a contributing -- 243:06 a contributory factor in the death, correct? 243:07 A. True. I agree with the autopsies that heat was 243:08 a contributing factor.	00:00:23	DS.121
243:09 - 243:16	Sweetin, David 2024-07-25 243:09 Q. Okay. Well -- and a contributing factor means 243:10 it was a cause of the death. One of the causes of the 243:11 death. You understand that, right? 243:12 MR. CALB: Objection to form. 243:13 A. No, sir, I don't -- heat could have been just 243:14 the environment at the time. That doesn't necessarily 243:15 mean it was the reason for the death. The heat just 243:16 happened to be circumstantial.	00:00:29	DS.289
244:08 - 245:02	Sweetin, David 2024-07-25 244:08 Q. And you're here to testify whether or not you 244:09 believe that heat caused or contributed to those deaths, 244:10 right? 244:11 A. Yes, sir. 244:12 Q. And you're here to talk about every action that 244:13 TDCJ took in response to each of those deaths, right? 244:14 A. Correct. 244:15 Q. Okay. Well, let's talk about John Castillo. 244:16 As you testify here today, do you have any idea how he 244:17 died? 244:18 A. Specific to his death, no, sir. 244:19 Q. Okay. You didn't do any research or review any 244:20 autopsies relating to Mr. Castillo in preparation for 244:21 this deposition? 244:22 A. No, sir. What was provided to me is based on	00:00:58	DS.122

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DESIGNATION	SOURCE	DURATION	ID
	244:23 the documents that we had that -- that assert that we		
	244:24 have no deaths that are heat related.		
	244:25 Q. Well, but I guess -- I guess what you're saying		
	245:01 is only heat was the cause. That's what you consider a		
	245:02 heat or heat-related death, fair?		
245:03 - 245:03	Sweetin, David 2024-07-25	00:00:02	DS.290
	245:03 MR. CALB: Objection; form.		
245:04 - 245:09	Sweetin, David 2024-07-25	00:00:18	DS.124
	245:04 A. A heat-related death is the sole causal factor		
	245:05 of the death. That is correct.		
	245:06 Q. (BY MR. EDWARDS) Okay. So unless it says		
	245:07 hypothermia on the autopsy, you don't consider -- and it		
	245:08 only says hypothermia, you don't consider it a heat-		
	245:09 related death, right?		
245:10 - 245:10	Sweetin, David 2024-07-25	00:00:04	DS.291
	245:10 MR. CALB: Objection to form.		
245:11 - 245:14	Sweetin, David 2024-07-25	00:00:08	DS.125
	245:11 A. Yes, sir. That's -- that's the way we		
	245:12 interpret it.		
	245:13 Q. (BY MR. EDWARDS) Now, that's a dangerous way		
	245:14 to interpret autopsies, isn't it?		
245:15 - 245:15	Sweetin, David 2024-07-25	00:00:04	DS.292
	245:15 MR. CALB: Objection to form.		
245:16 - 246:04	Sweetin, David 2024-07-25	00:00:57	DS.126
	245:16 A. I don't believe so, no, sir.		
	245:17 Q. (BY MR. EDWARDS) Well, do you know if body		
	245:18 temperatures are taken when people die as a matter of		
	245:19 course at the Texas Department of Criminal Justice, or		
	245:20 suffer strokes and fallouts? Do you know if body		
	245:21 temperatures are always taken?		
	245:22 A. Well, I can tell you as a general rule for the		
	245:23 correctional side of the house, there's nothing that		
	245:24 specifically states or conveys that that is to be		
	245:25 ordered. Now, clearly, once it gets into -- the		
	246:01 offender inmate gets into the medical department, they		
	246:02 very well could ask for a temperature. Is it standard		
	246:03 protocol, no, sir, I'm not aware of standard protocol		
	246:04 that requires an internal body temperature.		

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DESIGNATION	SOURCE	DURATION	ID
246:05 - 246:17	Sweetin, David 2024-07-25 246:05 Q. Well, do you know what vital signs are? 246:06 A. I think I do, yes, sir. 246:07 Q. What -- what is your understanding of what 246:08 vital signs are? 246:09 A. As it relates to somebody who's alive, it's -- 246:10 it's -- it's the effects or causes to a decline in -- in 246:11 whether or not somebody's living. It could be the blood 246:12 pressure; it could be their breathing capabilities. 246:13 Q. Could be their pulse or it could be their 246:14 temperature, right? Those are the vital signs, right? 246:15 Please tell me you know this. 246:16 MR. CALB: Objection; argumentative. 246:17 A. Yes, sir.	00:00:51	DS.293
246:18 - 246:23	Sweetin, David 2024-07-25 246:18 Q. (BY MR. EDWARDS) Okay. So, you know, there's 246:19 going to be testimony from doctors that vital signs are 246:20 certainly dealing with breathing, respirations, pulse 246:21 rate, blood pressure, and temperature. And you 246:22 understand that, right? 246:23 A. Yes, sir, I understand that.	00:00:15	DS.128
246:24 - 246:24	Sweetin, David 2024-07-25 246:24 MR. CALB: Objection; form.	00:00:01	DS.294
246:25 - 247:01	Sweetin, David 2024-07-25 246:25 Q. (BY MR. EDWARDS) And -- and you told me 247:01 earlier there's no protocol for taking temperatures of	00:00:05	DS.295
247:02 - 247:04	Sweetin, David 2024-07-25 247:02 dead people. But you would agree that there is a 247:03 protocol for taking temperatures of live people who 247:04 aren't dead yet, right?	00:00:09	DS.129
247:05 - 247:05	Sweetin, David 2024-07-25 247:05 MR. CALB: Objection; form.	00:00:02	DS.296
247:06 - 247:11	Sweetin, David 2024-07-25 247:06 A. No, sir, I'm not aware of a protocol that says 247:07 that they are to take the internal temperature of -- of 247:08 somebody otherwise. 247:09 Q. (BY MR. EDWARDS) Well, that's one of the vital 247:10 signs. That's what doctors do.	00:00:17	DS.130

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	247:11 A. Okay. I agree to that, yes, sir.		
247:12 - 247:24	Sweetin, David 2024-07-25	00:00:36	DS.297
	247:12 Q. Okay.		
	247:13 A. Specifically, are you -- you were asking if		
	247:14 there's a policy. No, sir, we don't have a policy		
	247:15 specific to that.		
	247:16 Q. Well, yeah. Well, whether there's a policy or		
	247:17 not, it's what's supposed to be done. And one of the		
	247:18 reasons why you might not do it would be to hide the		
	247:19 fact that there are, in fact, heat-related deaths in the		
	247:20 system. That's one reason you might not be taking body		
	247:21 temperatures. Is -- is that why you're not always		
	247:22 insisting that body temperatures be taken?		
	247:23 MR. CALB: Objection; form.		
	247:24 A. I don't agree with that assertion, no, sir.		
247:25 - 248:03	Sweetin, David 2024-07-25	00:00:11	DS.131
	247:25 Q. (BY MR. EDWARDS) Why are you not insisting		
	248:01 that body temperatures be taken if you care about		
	248:02 finding out about whether or not there are heat-related		
	248:03 deaths at TDCJ prisons?		
248:04 - 248:04	Sweetin, David 2024-07-25	00:00:05	DS.298
	248:04 MR. CALB: Objection; form.		
248:05 - 248:10	Sweetin, David 2024-07-25	00:00:19	DS.133
	248:05 A. Because that's a determination to be made by		
	248:06 the medical profession at the time of the evaluation.		
	248:07 Q. (BY MR. EDWARDS) Does TDCJ care about finding		
	248:08 out if people are dying as a direct consequence of the		
	248:09 heat or partly as a consequence of the heat?		
	248:10 A. Yes, sir, I would say so.		
248:16 - 249:02	Sweetin, David 2024-07-25	00:00:48	DS.134
	248:16 Q. No. But do you not know that more than 20		
	248:17 people have tied in TDCJ custody from the heat, that		
	248:18 TDCJ has agreed to that in prior litigation?		
	248:19 A. That they have -- the deaths were as a result		
	248:20 of heat? No, sir. We have no heat-related deaths.		
	248:21 Q. Okay. It's TDCJ testimony that you don't have		
	248:22 any heat-related deaths at the TDCJ -- in TDCJ? That's		
	248:23 your testimony?		
	248:24 A. Which is specific to heat, yes, sir.		

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DESIGNATION	SOURCE	DURATION	ID
	248:25 Q. And -- and as you testify here today, you		
	249:01 believe that's a truthful answer?		
	249:02 A. Absolutely, yes, sir.		
249:03 - 250:01	Sweetin, David 2024-07-25	00:01:17	DS.299
	249:03 Q. All right. You don't strike me as someone		
	249:04 who's, you know, going to purposely lie to me to my		
	249:05 face. So I just want to follow up on that.		
	249:06 Is it really your testimony that there have		
	249:07 been no heat-related deaths in the TDCJ system? Is that		
	249:08 really what you're saying?		
	249:09 MR. CALB: Objection; asked and answered.		
	249:10 Q. (BY MR. EDWARDS) I'll withdraw the -- the		
	249:11 first part. But I want to caution you, sir. Is it		
	249:12 really your testimony that there has -- that there has		
	249:13 not been heat deaths or heat-related deaths at TDCJ? Is		
	249:14 that really your testimony?		
	249:15 A. Could you explain "heat related"?		
	249:16 Q. Deaths caused by the heat.		
	249:17 A. As the causal factor?		
	249:18 Q. Yes.		
	249:19 A. Yes, sir, I'll testify to that.		
	249:20 Q. Okay. Would you agree with me that if there		
	249:21 were deaths that were caused by the heat, okay, solely		
	249:22 caused by the heat, would you then agree that that's a		
	249:23 serious problem that TDCJ has to take steps to rectify		
	249:24 or ameliorate?		
	249:25 A. Which is exactly why we have no heat-specific		
	250:01 dates -- or deaths. Excuse me.		
250:02 - 250:11	Sweetin, David 2024-07-25	00:00:30	DS.136
	250:02 Q. Right. And you're telling me that you -- for		
	250:03 the last, I don't know, 20 years or so, you guys have		
	250:04 had policies in place to, you know, protect inmates from		
	250:05 the heat. And according to you, there haven't been any		
	250:06 heat-related deaths, or heat deaths, solely caused by		
	250:07 the heat, right?		
	250:08 A. Yes, sir, that is correct.		
	250:09 Q. Okay.		
	250:10 A. Heat has been a contributing factor, but not		
	250:11 the causal factor.		
251:09 - 251:23	Sweetin, David 2024-07-25	00:01:03	DS.137

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	251:09 Q. (BY MR. EDWARDS) Sir, would you tell me the 251:10 agency's distinction between "causal" and "contributing" 251:11 when it comes to heat deaths? 251:12 A. Sure. A contributing factors means that it's 251:13 one of many or several other factors associated but is 251:14 not the specific cause of the death. 251:15 Q. (BY MR. EDWARDS) And do you understand, as an 251:16 agency, that there can be more than one cause of a 251:17 person's death? 251:18 A. Yes, sir, I understand that there are causal 251:19 factors. 251:20 Q. And you understand that heat can cause stress 251:21 that would lead someone to suffer a heart attack. Do 251:22 you understand that? 251:23 A. Yes, sir.		DS.137
251:24 - 252:11	Sweetin, David 2024-07-25 251:24 Q. Okay. And your understanding of that is, well, 251:25 heat could be a contributing factor in that situation, 252:01 but it wasn't the cause of death because the heart 252:02 attack is really the cause of death. Is that what I'm 252:03 hearing from you? 252:04 MR. CALB: Objection to form. 252:05 A. Sir, what I'm saying is, it's a -- could be a 252:06 combination of multiple factors. What -- what I'm 252:07 telling you is that we have no deaths that were strictly 252:08 associated or as a result of -- of heat. 252:09 Q. (BY MR. EDWARDS) Well, those are two different 252:10 things, okay? You do have deaths that were as a result 252:11 of heat. But -- well, strike that.	00:00:41	DS.300
252:12 - 252:23	Sweetin, David 2024-07-25 252:12 There will be testimony that there have 252:13 been deaths as a result of heat. You, as an agency, 252:14 vehemently deny that, correct? 252:15 A. That is correct. We only -- 252:16 Q. Okay. And the basis for your vehement denial 252:17 is looking at autopsies and reading what is said as 252:18 cause of death on the autopsies, right? 252:19 A. Yes, sir, that is correct. 252:20 Q. Okay. Has the agency done any sort of studies 252:21 or hired any -- any scientific groups to evaluate	00:00:46	DS.138

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	252:22 whether or not their interpretations are correct?		
	252:23 A. Not to my knowledge, no, sir.		
253:13 - 253:14	Sweetin, David 2024-07-25	00:00:03	DS.301
	253:13 Q. Well, I'll ask it this way. If you don't		
	253:14 understand, you don't understand.		
253:15 - 253:22	Sweetin, David 2024-07-25	00:00:27	DS.139
	253:15 Has the Texas Department of Criminal		
	253:16 Justice ever hired someone to evaluate whether or not		
	253:17 the heat is causing people to die that otherwise		
	253:18 wouldn't be dying in the Texas Prison System?		
	253:19 A. No, sir, not to my knowledge that we have hired		
	253:20 anybody specific for that, that role. Although, we do		
	253:21 have medical professionals that provide us with the		
	253:22 information.		
257:18 - 258:01	Sweetin, David 2024-07-25	00:00:25	DS.140
	257:18 Q. Okay. I'll read it so that -- so that Judge		
	257:19 Pittman understands. It's all studies, research,		
	257:20 publications, warnings, and other information that TDCJ		
	257:21 currently has regarding the risks that temperatures over		
	257:22 85 degrees pose to TDCJ inmates and employees,		
	257:23 including, but not limited to, the risks of heat-related		
	257:24 illnesses and death. You're -- you're here to testify		
	257:25 about that, right?		
	258:01 A. Yes, sir, that is correct.		
260:15 - 260:18	Sweetin, David 2024-07-25	00:00:14	DS.142
	260:15 Q. (BY MR. EDWARDS) Did you locate any studies		
	260:16 that you found that you reviewed?		
	260:17 A. Yes, sir. I did find two studies that I had		
	260:18 reviewed.		
260:19 - 260:19	Sweetin, David 2024-07-25	00:00:06	DS.302
	260:19 Q. Yeah. They're reports from Dean Rieger, right?		
260:20 - 260:25	Sweetin, David 2024-07-25	00:00:25	DS.143
	260:20 A. This is a report from the -- on the extreme		
	260:21 temperatures and COVID-19 in Texas prisons from the --		
	260:22 Texas A&M University as a reduction and recovery center.		
	260:23 Q. Okay. You read that.		
	260:24 A. And, then, another one, JAMA Network is		
	260:25 provision of air-conditioned and heat-related mortality		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
261:01 - 261:01	Sweetin, David 2024-07-25 261:01 in Texas prisons.	00:00:08	DS.144
261:06 - 261:09	Sweetin, David 2024-07-25 261:06 Q. Okay. Well, those studies are pretty shocking 261:07 in terms of the danger that the lack of air conditioning 261:08 causes inmates in the Texas prison population, aren't 261:09 they?	00:00:11	DS.145
261:10 - 261:10	Sweetin, David 2024-07-25 261:10 MR. CALB: Objection; form.	00:00:03	DS.303
261:11 - 261:14	Sweetin, David 2024-07-25 261:11 A. Well, to be honest with you, I didn't give it 261:12 much credibility. It's not something that we sanctioned 261:13 or were involved in to the extent where I feel the 261:14 veracity of the information is -- is accurate.	00:00:20	DS.146
261:15 - 262:05	Sweetin, David 2024-07-25 261:15 Q. (BY MR. EDWARDS) So you reviewed the -- the 261:16 Skarha study, which concluded that there were more than 261:17 200 deaths that the heat was responsible for during a, 261:18 you know, 19-year period, right? 261:19 A. No, sir. I can't testify on behalf of -- of 261:20 these two reports that I'm looking at and had access to 261:21 over the course of my preparation. Again, it's not 261:22 something that we sanctioned or -- or were involved in. 261:23 Q. All right. So just to be clear, you reviewed, 261:24 and the agency has seen and reviewed, the -- the Skarha 261:25 report in JAMA regarding the provision of air 262:01 conditioning in Texas -- Texans. And am I stating the 262:02 agency's position correctly? You disregarded it because 262:03 you did not sanction it. Is that fair? 262:04 MR. CALB: Objection; misstates testimony. 262:05 A. No, sir, that's not fair.	00:01:16	DS.304
262:06 - 262:14	Sweetin, David 2024-07-25 262:06 Q. (BY MR. EDWARDS) Okay. I thought you told me 262:07 that you didn't give it much credit because you weren't 262:08 responsible for making it happen. Did I mishear you? 262:09 A. Essentially, that was it. I don't -- I don't 262:10 know how reliable these studies are, just simply 262:11 because, again, we were not involved in the studies. 262:12 Q. Well, have you asked anybody how reliable the	00:00:42	DS.147

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DESIGNATION	SOURCE	DURATION	ID
	262:13 study was?		
	262:14 A. No, sir.		
262:15 - 262:19	Sweetin, David 2024-07-25	00:00:24	DS.305
	262:15 Q. I mean, do you know where Dr. Skarha went to		
	262:16 college?		
	262:17 MR. CALB: Objection; form.		
	262:18 A. I don't feel that's relevant, sir.		
	262:19 Q. (BY MR. EDWARDS) Okay. Well -- okay. You		
262:20 - 263:02	Sweetin, David 2024-07-25	00:01:02	DS.148
	262:20 just -- Do you understand the conclusions in the -- the		
	262:21 Skarha study?		
	262:22 A. No, sir. I didn't need to understand it.		
	262:23 Again, I don't know the -- the extent of their		
	262:24 investigation and the reliability of the information		
	262:25 that they provided. For that reason, it's nothing more		
	263:01 than writing on a piece of paper.		
	263:02 Q. Are you an epidemiologist?		
263:03 - 263:03	Sweetin, David 2024-07-25	00:00:03	DS.306
	263:03 MR. CALB: Objection; form.		
263:04 - 263:09	Sweetin, David 2024-07-25	00:00:29	DS.150
	263:04 A. No, sir.		
	263:05 Q. (BY MR. EDWARDS) Do you know what epidemiology		
	263:06 is?		
	263:07 A. No, sir.		
	263:08 Q. Well, before you disregard an epidemiological		
	263:09 study, shouldn't you try to find out what it is?		
263:10 - 263:10	Sweetin, David 2024-07-25	00:00:02	DS.307
	263:10 MR. CALB: Objection; form.		
263:11 - 263:14	Sweetin, David 2024-07-25	00:00:17	DS.151
	263:11 A. No, sir. Again, I've read lots of documents		
	263:12 that are just words on paper. That doesn't necessarily		
	263:13 make them true, accurate, and a reflection of what's		
	263:14 actually going on. So I didn't take any merit with it.		
264:01 - 265:03	Sweetin, David 2024-07-25	00:01:12	DS.308
	264:01 Q. Well, let me read the -- Do you agree or -- do		
	264:02 you agree that there's a large body of epidemiologic		
	264:03 evidence that heat is associated with an increased risk		
	264:04 of mortality?		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	264:05 MR. CALB: Objection; outside the scope if		
	264:06 you're asking him personally.		
	264:07 MR. EDWARDS: This is dead center scope of		
	264:08 the examination. Dead center.		
	264:09 (Speaking simultaneously.)		
	264:10 MR. EDWARDS: Dead center, Michael.		
	264:11 MR. CALB: (Inaudible) personally. And		
	264:12 That's my -- My only distinction is --		
	264:13 MR. EDWARDS: Kelly --		
	264:14 That's fine. You objected "outside the		
	264:15 scope." It's a spurious, ridiculous objection, but		
	264:16 continue to make it.		
	264:17 Kelly, would you read the exact question to		
	264:18 Mr. Sweetin, please.		
	264:19 (Brief pause.)		
	264:20 THE REPORTER: Sorry.		
	264:21 MR. EDWARDS: Or would it be easier if I		
	264:22 just repeated it?		
	264:23 (Requested portion was read.)		
	264:24 MR. CALB: Objection; outside the scope if		
	264:25 you're asking him his opinion.		
	265:01 Q. (BY MR. EDWARDS) Please answer the question,		
	265:02 sir.		
	265:03 A. Explain what you're asking.		
265:04 - 265:14	Sweetin, David 2024-07-25	00:00:39	DS.152
	265:04 Q. I'm asking if you agree with the author of this		
	265:05 paper that you reviewed that there is a large body of		
	265:06 epidemiologic evidence that heat is associated with --		
	265:07 with increased risk of mortality.		
	265:08 A. Well, as I stated prior, I don't have an		
	265:09 opinion on this one way or the other.		
	265:10 Q. Well, don't you think it's time that the		
	265:11 Department of Criminal Justice started to have an		
	265:12 opinion about the epidemiologic evidence that -- that		
	265:13 does, in fact, show that heat is associated with an		
	265:14 increased risk of mortality?		
265:16 - 265:16	Sweetin, David 2024-07-25	00:00:10	DS.153
	265:16 A. I feel like we're taking appropriate measures.		
265:17 - 266:03	Sweetin, David 2024-07-25	00:00:34	DS.309
	265:17 Q. (BY MR. EDWARDS) Would it concern you, as the		

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DESIGNATION	SOURCE	DURATION	ID
	265:18 Department of Criminal Justice, if there were 13 deaths		
	265:19 annually as a consequence of the heat inside the Texas		
	265:20 Prison System?		
	265:21 MR. CALB: Objection; form.		
	265:22 Q. (BY MR. EDWARDS) On average.		
	265:23 A. If it was a heat-specific death? Is that your		
	265:24 question?		
	265:25 Q. I'd like you to just answer my question. I'm		
	266:01 done with the word games, sir. I don't have enough time		
	266:02 to play anymore. Now we're just -- you're getting full		
	266:03 Jeff here, okay?		
266:04 - 266:24	Sweetin, David 2024-07-25	00:01:18	DS.154
	266:04 Does it -- Would it concern you if there		
	266:05 were 13 deaths that were associated with the heat due to		
	266:06 a lack of air conditioning in the Texas Prison System?		
	266:07 Can you please answer my question, sir.		
	266:08 A. There again, it's -- it's -- I'm not		
	266:09 understanding your -- your question. Because what I		
	266:10 speak on is on behalf of what is related specific to		
	266:11 heat. Again, heat can be a variable in regard to a		
	266:12 debt, but that doesn't make it a heat death.		
	266:13 If -- if you're asking me if there were 13		
	266:14 heat-related deaths specific to heat, yes, sir, that		
	266:15 would be a problem.		
	266:16 Q. Why?		
	266:17 A. Because of our preventative measures that we		
	266:18 put in place, as well as our --		
	266:19 Q. It would --		
	266:20 MR. CALB: Let him finish.		
	266:21 A. Go ahead.		
	266:22 Q. (BY MR. EDWARDS) Let me finish for you. It		
	266:23 would be a problem because your preventative measures		
	266:24 are worthless. That's what it would indicate, right?		
266:25 - 266:25	Sweetin, David 2024-07-25	00:00:09	DS.310
	266:25 MR. CALB: Objection; argumentative, form.		
267:01 - 267:05	Sweetin, David 2024-07-25	00:00:15	DS.155
	267:01 A. Means we could potentially have some problems,		
	267:02 yes, sir.		
	267:03 Q. (BY MR. EDWARDS) Well, do you think it's		
	267:04 appropriate for the agency to stick its head in the sand		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	267:05 and ignore studies by competent epidemiologists?		
267:06 - 267:06	Sweetin, David 2024-07-25	00:00:06	DS.311
	267:06 MR. CALB: Objection; form.		
267:07 - 267:20	Sweetin, David 2024-07-25	00:00:47	DS.156
	267:07 A. No, sir, it wouldn't be appropriate for us to		
	267:08 stick our heads in the sand on any topic.		
	267:09 Q. (BY MR. EDWARDS) It would -- it would be		
	267:10 the -- it would be the epitomy of indifference, being		
	267:11 made aware of a problem and ignoring it, right?		
	267:12 MR. CALB: Objection; form.		
	267:13 A. I understand there's a difference in medical		
	267:14 opinions and people's opinions. And, again, just		
	267:15 because I've got a study here in front of me, that		
	267:16 doesn't provide me with any insight as to the accuracy		
	267:17 of the data. So, therefore, I don't have an opinion of		
	267:18 it one way or the other.		
	267:19 Q. (BY MR. EDWARDS) Well, again, isn't it time		
	267:20 for you to get an opinion and seek one out?		
267:21 - 267:21	Sweetin, David 2024-07-25	00:00:04	DS.312
	267:21 MR. CALB: Objection to form.		
267:22 - 268:09	Sweetin, David 2024-07-25	00:00:39	DS.157
	267:22 A. Yes, sir. And I believe we've done that.		
	267:23 Q. (BY MR. EDWARDS) Okay. Who gave you an		
	267:24 opinion about -- about Dr. Skarha's study, which		
	267:25 actually reflects an incidence of 14 deaths annually due		
	268:01 to the heat, not 13. But who gave you an opinion that		
	268:02 leads you to be able to discount this study?		
	268:03 A. I wasn't referring to this particular study.		
	268:04 Q. Okay. Well, let's talk about this particular		
	268:05 study. You've read it, or you haven't? Well,		
	268:06 withdrawn. You told me you read it. You told me you		
	268:07 reviewed it in preparation for this deposition, yet		
	268:08 you're disregarding it even though you're not an		
	268:09 epidemiologist. Why, sir?		
268:11 - 268:19	Sweetin, David 2024-07-25	00:00:36	DS.159
	268:11 A. As I previously stated, the information that's		
	268:12 provided in the report has not necessarily come from any		
	268:13 reliable sources. And because we were not involved in		
	268:14 it, nor did we sanction it, then, for that reason, I		

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DESIGNATION	SOURCE	DURATION	ID
	268:15 have no opinion of it one way or another when it comes		
	268:16 to what we're doing.		
	268:17 Q. (BY MR. EDWARDS) What evidence do you have to		
	268:18 suggest that the data that Dr. Skarha relied upon is		
	268:19 unreliable?		
268:20 - 268:20	Sweetin, David 2024-07-25	00:00:04	DS.313
	268:20 MR. CALB: Objection; form.		
268:21 - 268:21	Sweetin, David 2024-07-25	00:00:04	DS.160
	268:21 A. No data, sir.		
269:04 - 269:07	Sweetin, David 2024-07-25	00:00:15	DS.161
	269:04 Q. Well, would a thirtyfold increase in heat-		
	269:05 attributed deaths, when compared with estimates in the		
	269:06 general U.S. population, cause a responsible		
	269:07 administrator some concern?		
269:08 - 269:08	Sweetin, David 2024-07-25	00:00:04	DS.314
	269:08 MR. CALB: Objection; form.		
269:09 - 269:09	Sweetin, David 2024-07-25	00:00:03	DS.162
	269:09 A. Is that an excerpt out of the report?		
269:10 - 269:17	Sweetin, David 2024-07-25	00:00:13	DS.315
	269:10 Q. (BY MR. EDWARDS) Does it matter?		
	269:11 A. Yes, sir, if you're asking me to --		
	269:12 Q. Yes, it's an excerpt out of the report.		
	269:13 (Speaking simultaneously.)		
	269:14 Q. Does that -- does that excerpt cause you		
	269:15 concern?		
	269:16 THE REPORTER: Sorry. You're speaking over		
	269:17 each other.		
269:18 - 270:01	Sweetin, David 2024-07-25	00:00:31	DS.163
	269:18 Q. (BY MR. EDWARDS) Yes, sir, it's an excerpt		
	269:19 from the report. Does that excerpt from the report from		
	269:20 Dr. Skarha cause you concern as an agency?		
	269:21 A. No, sir.		
	269:22 Q. So the fact that 13 percent of deaths -- 271		
	269:23 deaths that may be attributed to extreme heat during		
	269:24 warm months in Texas prisons, without universal air		
	269:25 conditioning, between 2001 and 2019 does not cause you		
	270:01 concern?		
270:02 - 270:02	Sweetin, David 2024-07-25	00:00:03	DS.316

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DESIGNATION	SOURCE	DURATION	ID
	270:02 MR. CALB: Objection to form.		DS.316
270:03 - 270:11	Sweetin, David 2024-07-25	00:00:45	DS.165
270:03	A. Well, again, I will say that there's not much		
270:04	merit in regard to these particular studies because we		
270:05	don't -- we don't know the -- the reliability of the		
270:06	data that was provided to them during the study.		
270:07	Q. (BY MR. EDWARDS) Okay. So -- all right.		
270:08	Don't you think it's incredibly dangerous to discount or		
270:09	not find out about the efficacy of a study when it's so		
270:10	important to the -- the well-being and safety of the men		
270:11	and women in your custody and control?		
270:12 - 270:12	Sweetin, David 2024-07-25	00:00:06	DS.317
	270:12 MR. CALB: Objection; form.		
270:13 - 270:18	Sweetin, David 2024-07-25	00:00:22	DS.166
270:13	A. Sir, what I can say is there all -- all kinds		
270:14	of documents that I can pull up that -- and read to you.		
270:15	But that doesn't necessarily mean that they're accurate.		
270:16	Q. (BY MR. EDWARDS) Does it mean they're -- does		
270:17	it mean that all studies are inaccurate if they are		
270:18	something that you don't like reading?		
270:19 - 270:19	Sweetin, David 2024-07-25	00:00:03	DS.318
	270:19 MR. CALB: Objection; form.		
270:20 - 270:25	Sweetin, David 2024-07-25	00:00:22	DS.167
270:20	A. No, sir.		
270:21	Q. (BY MR. EDWARDS) Do you consider Texas A&M to		
270:22	be a reliable institution when it comes to putting out		
270:23	papers on the dangers of extreme temperatures?		
270:24	A. I believe Texas A&M has a good reputation, a		
270:25	solid reputation.		
271:01 - 271:13	Sweetin, David 2024-07-25	00:00:54	DS.319
271:01	Q. Well, the lead author for the study that's --		
271:02	that you've also reviewed, Extreme Temperatures in		
271:03	COVID-19 in Texas Prisons, was J. Carlee Purdum, a PhD		
271:04	from Texas A&M, right?		
271:05	A. Yes, sir.		
271:06	Q. And the group that put out this paper was the		
271:07	Hazard Reduction and Recovery Center at Texas A&M,		
271:08	right?		
271:09	A. It would appear so, yes, sir.		

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DESIGNATION	SOURCE	DURATION	ID
	271:10 Q. Okay. It concluded that mitigation measures		
	271:11 that purportedly are being used by TDCJ are -- are		
	271:12 inconsistently followed throughout the system. Isn't		
	271:13 that really concerning to you?		
271:14 - 271:14	Sweetin, David 2024-07-25	00:00:03	DS.320
	271:14 MR. CALB: Objection to form.		
271:15 - 271:25	Sweetin, David 2024-07-25	00:00:38	DS.169
	271:15 A. No, sir, not at all.		
	271:16 Q. (BY MR. EDWARDS) And it concluded that		
	271:17 22 percent of inmates, not just those surveyed, who were		
	271:18 cool-bed priority offenders because of heat sensitivity		
	271:19 did not have access to cool beds at the time,		
	271:20 August 2020. Does that concern you?		
	271:21 A. And I'm curious how they would know that.		
	271:22 Q. Well, did you try to find out if that -- did		
	271:23 you do anything to try to determine whether or not that		
	271:24 conclusion was accurate?		
	271:25 A. No, sir.		
272:01 - 272:11	Sweetin, David 2024-07-25	00:00:34	DS.170
	272:01 Q. Okay. Did you do anything to determine whether		
	272:02 or not the conclusion that mitigation measures were		
	272:03 inconsistently followed throughout the system? Did you		
	272:04 do anything to examine that?		
	272:05 A. No, sir.		
	272:06 Q. Did you do anything to examine their conclusion		
	272:07 that 60 percent of inmates serviced -- surveyed reported		
	272:08 wellness checks were not being done?		
	272:09 A. No, sir.		
	272:10 Q. Now, if that were true, that would be terrible		
	272:11 and -- and a true danger to the inmates, right?		
272:12 - 272:12	Sweetin, David 2024-07-25	00:00:03	DS.321
	272:12 MR. CALB: Objection; form.		
272:13 - 272:15	Sweetin, David 2024-07-25	00:00:09	DS.171
	272:13 A. Yeah. If it was substantiated, yes.		
	272:14 Q. (BY MR. EDWARDS) Well, in order to determine		
	272:15 if something's true, you got to investigate it, right?		
272:16 - 272:16	Sweetin, David 2024-07-25	00:00:01	DS.322
	272:16 MR. CALB: Objection; form.		

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DESIGNATION	SOURCE	DURATION	ID
272:17 - 273:02	Sweetin, David 2024-07-25 272:17 A. That is correct. 272:18 Q. (BY MR. EDWARDS) Did the agency investigate 272:19 this conclusion from this study, that 60 percent of 272:20 inmates who were surveyed noted wellness checks not 272:21 being done? 272:22 A. I'm not aware of any type of investigation in 272:23 regard to either one of these reports. 272:24 Q. Okay. Let's go through another conclusion. 272:25 43 percent of inmates surveyed reported that in 2020 273:01 they had a health crisis disregarded. That seems 273:02 concerning to me. It's not concerning to the agency?	00:00:36	DS.172
273:03 - 273:03	Sweetin, David 2024-07-25 273:03 MR. CALB: Objection; form.	00:00:02	DS.323
273:04 - 273:12	Sweetin, David 2024-07-25 273:04 A. Not in the form of this report, no, sir. 273:05 Q. (BY MR. EDWARDS) Two-thirds of the inmates who 273:06 were surveyed said they had no access to cool-down extra 273:07 showers. That would concern me. It doesn't concern 273:08 you? 273:09 A. If that were the case. 273:10 Q. And in order -- You did -- and you did nothing 273:11 to deter -- you, as an agency, did nothing to determine 273:12 if this conclusion were accurate or not, correct?	00:00:28	DS.174
273:13 - 273:13	Sweetin, David 2024-07-25 273:13 MR. CALB: Objection to form.	00:00:03	DS.324
273:14 - 273:23	Sweetin, David 2024-07-25 273:14 A. As I stated, I'm not aware of any kind of 273:15 investigative measures that we conducted on either one 273:16 of these studies. 273:17 Q. (BY MR. EDWARDS) This -- this report noted 273:18 that there were almost 1200 grievances between 273:19 September 2019 and August 2020 just about water and ice 273:20 being unavailable. Did you do anything to investigate 273:21 that conclusion? 273:22 A. No, sir. 273:23 Q. Don't you think you should have?	00:00:39	DS.175
273:24 - 273:24	Sweetin, David 2024-07-25 273:24 MR. CALB: Objection to form.	00:00:02	DS.325

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
273:25 - 273:25	Sweetin, David 2024-07-25 273:25 A. No, sir.	00:00:10	DS.176
274:01 - 274:03	Sweetin, David 2024-07-25 274:01 Q. (BY MR. EDWARDS) Well, were there 1200 274:02 grievances about water and ice not being available, or 274:03 do you know?	00:00:09	DS.177
274:04 - 274:04	Sweetin, David 2024-07-25 274:04 MR. CALB: Objection; outside the scope.	00:00:05	DS.326
274:05 - 274:10	Sweetin, David 2024-07-25 274:05 A. No, sir. That's what their assertion is, but I 274:06 do not know that to be the case. 274:07 Q. (BY MR. EDWARDS) Well, Good Lord. Did you 274:08 check the grievances to see if there were that many 274:09 grievances about a lack of ice and water being 274:10 available?	00:00:19	DS.178
274:11 - 274:11	Sweetin, David 2024-07-25 274:11 MR. CALB: Objection; outside the scope.	00:00:03	DS.327
274:12 - 274:25	Sweetin, David 2024-07-25 274:12 A. I'll say it again. We did no investigative 274:13 measures in regard to either one of these reports. We 274:14 rely on our internal data. 274:15 Q. (BY MR. EDWARDS) Okay. Well, you know, on 274:16 July 12th, 2022, Bryan Collier testified to the house 274:17 appropriations committee about Texas prisons, and 274:18 Dr. Purdum testified immediately after him about the 274:19 report while Director Collier was still there. 274:20 And to your knowledge, nobody investigated 274:21 the conclusions in the report or the testimony that 274:22 Dr. Purdum gave? 274:23 A. To my knowledge, you are correct. 274:24 Q. During that same time period, according to 274:25 the -- the report, or the study, there were more than, I	00:00:51	DS.179
275:01 - 275:11	Sweetin, David 2024-07-25 275:01 think, 1255, but let's give or take ten or 20 grievances 275:02 about not having access to respite areas. Nobody at 275:03 TDCJ investigated this? 275:04 A. Again, I don't know that the information is 275:05 accurate to investigate it.	00:00:35	DS.180

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	275:06 Q. Well, let's say that there were 1200-plus 275:07 grievances about not having access to respite areas. 275:08 That would cause any administrator who cares about the 275:09 health and well-being of the men in his care and control 275:10 some serious concern, right? 275:11 A. Sure.		
275:12 - 276:02	Sweetin, David 2024-07-25	00:00:58	DS.328
	275:12 MR. CALB: Objection; form. 275:13 Q. (BY MR. EDWARDS) Okay. 47 percent of the 275:14 people surveyed reported that they were denied access to 275:15 respite areas. TDCJ undertook no investigation of that 275:16 conclusion or that survey result, right? 275:17 A. We did not, simply because I don't know how 275:18 that data was -- they came about that particular data. 275:19 Q. Did you talk to the author of the study and ask 275:20 him or her about how they came to get that data? 275:21 A. Again, I'm not aware of any investigative 275:22 measures that we went through in regard to either one of 275:23 these reports. 275:24 Q. I mean, if you care about the health and 275:25 well-being of the men and women in your -- in your 276:01 custody and control, shouldn't you investigate these 276:02 things?		
275:13 - 276:02	Sweetin, David 2024-07-25	00:00:56	DS.181
	275:13 Q. (BY MR. EDWARDS) Okay. 47 percent of the 275:14 people surveyed reported that they were denied access to 275:15 respite areas. TDCJ undertook no investigation of that 275:16 conclusion or that survey result, right? 275:17 A. We did not, simply because I don't know how 275:18 that data was -- they came about that particular data. 275:19 Q. Did you talk to the author of the study and ask 275:20 him or her about how they came to get that data? 275:21 A. Again, I'm not aware of any investigative 275:22 measures that we went through in regard to either one of 275:23 these reports. 275:24 Q. I mean, if you care about the health and 275:25 well-being of the men and women in your -- in your 276:01 custody and control, shouldn't you investigate these 276:02 things?		
276:03 - 276:03	Sweetin, David 2024-07-25	00:00:06	DS.329

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	276:03 MR. CALB: Objection to form.		DS.329
276:04 - 276:08	Sweetin, David 2024-07-25	00:00:18	DS.183
	276:04 A. Not necessarily, no, sir.		
	276:05 Q. (BY MR. EDWARDS) What's it take to get you to		
	276:06 conduct an investigation as to whether or not you're		
	276:07 actually doing the mitigation measures you report to the		
	276:08 legislature and the public you're doing?		
276:09 - 276:10	Sweetin, David 2024-07-25	00:00:04	DS.330
	276:09 MR. CALB: Objection to form, outside the		
	276:10 scope.		
276:11 - 276:20	Sweetin, David 2024-07-25	00:00:46	DS.184
	276:11 A. Again, we rely on our internal data and		
	276:12 reporting, whether it be inmate grievances, verbal		
	276:13 complaints, information passed on from department to		
	276:14 department. Yes, sir, there's -- there's --		
	276:15 Q. (BY MR. EDWARDS) Look, sir, you've got a		
	276:16 doctor, an epidemiologist, pointing out to you that --		
	276:17 that more than 200 people died as a consequent --		
	276:18 consequence of exposure to heat in the Texas Prison		
	276:19 System. And are you seriously telling me you did		
	276:20 nothing to investigate her conclusions?		
276:21 - 276:21	Sweetin, David 2024-07-25	00:00:02	DS.331
	276:21 MR. CALB: Objection; form.		
276:22 - 277:02	Sweetin, David 2024-07-25	00:00:23	DS.185
	276:22 A. What I'm telling you is that we did not		
	276:23 authorize or sanction or had any administrative		
	276:24 involvement in any -- either one of these reports. For		
	276:25 that reason, I don't know the -- the reliability of the		
	277:01 information that was provided other than what's written		
	277:02 on the paper.		
277:08 - 277:18	Sweetin, David 2024-07-25	00:00:44	DS.187
	277:08 Q. Okay. Patrick Womack is an individual who had		
	277:09 a 106-degree core body temperature, and his cause of		
	277:10 death is hyperthermia due to serotonin syndrome from		
	277:11 sertraline toxicity. Environmental heat is a contrib --		
	277:12 is a possible contributory factor. That's what the		
	277:13 autopsy said.		
	277:14 Do you know the significance of 106-degree		
	277:15 core body temperature, sir?		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	277:16 A. Yes, sir. I know that it's not good.		
	277:17 Q. I respect understatement as much as the next		
	277:18 person. It's deadly, isn't it?		
277:19 - 277:19	Sweetin, David 2024-07-25	00:00:03	DS.332
	277:19 MR. CALB: Objection; outside the scope.		
277:20 - 278:03	Sweetin, David 2024-07-25	00:00:36	DS.188
	277:20 A. Yes, sir.		
	277:21 Q. (BY MR. EDWARDS) There is going to be		
	277:22 testimony that that death was a direct consequence of		
	277:23 Mr. Womack's exposure to the heat. You just don't --		
	277:24 don't believe that to be the case, based on the autopsy.		
	277:25 Is that correct?		
	278:01 A. As I previously stated, the heat was a		
	278:02 contributing factor, not the -- not the sole causal		
	278:03 factor of the death.		
278:11 - 278:25	Sweetin, David 2024-07-25	00:00:51	DS.190
	278:11 Q. Sure. The Texas A&M study that you've		
	278:12 reviewed, the -- the conclusions that I went through		
	278:13 with you that ice -- ice and water were not being		
	278:14 regularly distributed, that respite areas were not --		
	278:15 that people were not being taken to respite areas, air		
	278:16 conditioning was denied to people, that's in direct		
	278:17 violation of your policies if it were happening, right?		
	278:18 A. Yes, sir, I agree with that, if it was		
	278:19 happening.		
	278:20 Q. And, you know, again, I've pointed out two		
	278:21 deaths that are causally related to indoor exposure to		
	278:22 heat that your response to me is, we're not going to		
	278:23 change what we're doing; we're simply going to		
	278:24 categorize this as a not-solely-related-to-heat death.		
	278:25 Is that -- do I hear you correctly?		
279:01 - 279:01	Sweetin, David 2024-07-25	00:00:04	DS.333
	279:01 MR. CALB: Objection; form.		
279:02 - 279:02	Sweetin, David 2024-07-25	00:00:03	DS.191
	279:02 A. Yes, sir. When we review the autopsy --		
279:03 - 279:03	Sweetin, David 2024-07-25	00:00:00	DS.334
	279:03 Q. (BY MR. EDWARDS) Oh, God.		
279:04 - 279:09	Sweetin, David 2024-07-25	00:00:21	DS.192

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	279:04 A. -- based on the medical professional's opinion, 279:05 that's how we draw our conclusion. 279:06 Q. Yeah. Well, the medical professional's opinion 279:07 is that heat is a contributing factor in the person's 279:08 death. That's what the medical professional's opinion 279:09 is, right?		DS.192
279:10 - 279:10	Sweetin, David 2024-07-25 279:10 MR. CALB: Objection to form.	00:00:04	DS.335
279:11 - 279:11	Sweetin, David 2024-07-25 279:11 A. Could possibly be.	00:00:01	DS.193
279:12 - 279:19	Sweetin, David 2024-07-25 279:12 Q. (BY MR. EDWARDS) Yeah. So how dare you 279:13 represent to the public that there aren't any 279:14 heat-related deaths when you know that to be false? 279:15 MR. CALB: Objection. It's unnecessarily 279:16 badgering the witness. 279:17 MR. EDWARDS: Well, you know what, it was 279:18 pretty harsh. Let me ask it -- I'll withdraw it. Let 279:19 me ask it this way.	00:00:19	DS.336
279:20 - 279:25	Sweetin, David 2024-07-25 279:20 Q. (BY MR. EDWARDS) Sir, you know that 279:21 environmental exposure to heat was a contributing factor 279:22 in multiple deaths. Given that knowledge, how can you 279:23 responsibly relay to the public that there haven't been 279:24 any heat-related deaths when you know that not to be 279:25 true?	00:00:23	DS.194
280:01 - 280:01	Sweetin, David 2024-07-25 280:01 MR. CALB: Objection to form.	00:00:04	DS.337
280:02 - 280:03	Sweetin, David 2024-07-25 280:02 A. That's our opinion based on our analysis of the 280:03 data that was provided.	00:00:04	DS.195
280:08 - 280:15	Sweetin, David 2024-07-25 280:08 Q. (BY MR. EDWARDS) Would anything change your 280:09 opinion, sir? 280:10 A. I'm not going to say anything, no, sir. 280:11 Q. Well, I -- I've given you evidence that would 280:12 change your -- most people's opinions in the form of Mr. 280:13 Castillo and Mr. Womack's autopsy results. That hasn't	00:00:21	DS.196

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	280:14 changed your opinion, correct?		
	280:15 A. No, sir.		
280:16 - 280:16	Sweetin, David 2024-07-25	00:00:02	DS.338
	280:16 MR. CALB: Objection; form. (Inaudible.)		
280:17 - 280:21	Sweetin, David 2024-07-25	00:00:22	DS.197
	280:17 Q. (BY MR. EDWARDS) And I've put forward and I've		
	280:18 talked to you about the two studies you reviewed that		
	280:19 have alarming conclusions. That hasn't changed your		
	280:20 opinion, right?		
	280:21 A. No, sir, it has not.		
281:04 - 281:14	Sweetin, David 2024-07-25	00:00:43	DS.198
	281:04 Q. (BY MR. EDWARDS) Okay. Well, all right, let's		
	281:05 see if you disregard the next autopsy -- next dead		
	281:06 person we talk about from the heat. Do you know who		
	281:07 Elizabeth Haggerty is?		
	281:08 A. Yes, sir.		
	281:09 Q. Okay. The autopsy says that elevated		
	281:10 environmental temperatures, i.e., heat stress, obesity		
	281:11 and diabetes may be contributed -- contributory factors		
	281:12 to her death. Does that impact your belief that there		
	281:13 still have been no heat-related deaths?		
	281:14 A. I believe the keyword there is "may."		
281:15 - 282:15	Sweetin, David 2024-07-25	00:01:28	DS.339
	281:15 Q. Okay. Well, there's going to be -- there's		
	281:16 going to be testimony from a board-certified doctor that		
	281:17 it did cause and it was one of the causes of her death,		
	281:18 okay? That's going to be presented at trial, okay? If		
	281:19 you hear from a doctor that it -- it did cause her		
	281:20 death, are you going to disregard that doctor's opinion?		
	281:21 MR. CALB: Objection to form.		
	281:22 A. So you're asking me to disregard the first bit		
	281:23 of information we got to go along with this other one?		
	281:24 Q. (BY MR. EDWARDS) Well, do you know --		
	281:25 (Speaking simultaneously.)		
	282:01 Q. -- do you know if -- Well, all right. I don't		
	282:02 think anything will change your opinion. But I did want		
	282:03 to give you a chance.		
	282:04 Ms. Haggerty. Was a -- was a core body		
	282:05 temperature taken?		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	282:06 A. That, I'm not aware of.		
	282:07 Q. Okay. You know, if heat worsens an underlying		
	282:08 condition and contributes to a death, isn't heat		
	282:09 partially responsible for that death?		
	282:10 MR. CALB: Objection to form.		
	282:11 A. That's a very broad question that you asked		
	282:12 there. I don't -- I don't --		
	282:13 Q. (BY MR. EDWARDS) Did you not understand my		
	282:14 question? I'm happy to reask it.		
	282:15 A. Sure. Why don't you.		
282:16 - 282:25	Sweetin, David 2024-07-25	00:00:36	DS.199
	282:16 Q. Okay. If a doctor testifies that -- that the		
	282:17 heat and Ms. Haggerty's exposure to this extreme heat		
	282:18 worsened her underlying medical conditions and		
	282:19 contributed to or partly caused her death, you just		
	282:20 totally disagree with that, right?		
	282:21 A. No, sir. I would respect that doctor's		
	282:22 opinion. But that's not the only opinion.		
	282:23 Q. Would you then consider it to be a heat-related		
	282:24 death?		
	282:25 A. No, sir.		
283:01 - 283:17	Sweetin, David 2024-07-25	00:00:43	DS.340
	283:01 Q. Okay. So you're going to continue to -- Just		
	283:02 as of now, despite what I've put forward to you, you're		
	283:03 going to continue to tell the public there have been no		
	283:04 heat-related deaths, correct?		
	283:05 A. We're going to continue to evaluate the		
	283:06 information provided to us, and our interpretation of		
	283:07 it, yes, sir.		
	283:08 Q. Well, that's wrong on so many levels, it's hard		
	283:09 for me to deal with it. You just said you're going to		
	283:10 evaluate the information you're provided and then make a		
	283:11 determination. Did I hear you correctly?		
	283:12 A. Yes, sir, you did.		
	283:13 Q. But you don't evaluate the information you're		
	283:14 given and make determinations. You completely disregard		
	283:15 it. Isn't that the case?		
	283:16 MR. CALB: Objection; argumentative, form.		
	283:17 A. No, sir, I disagree with that.		
283:18 - 283:19	Sweetin, David 2024-07-25	00:00:07	DS.200

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	283:18 Q. (BY MR. EDWARDS) Well, you completely		DS.200
	283:19 disregarded Dr. Skarha's study, right?		
283:20 - 283:20	Sweetin, David 2024-07-25	00:00:05	DS.341
	283:20 MR. CALB: Objection to form.		
283:21 - 283:23	Sweetin, David 2024-07-25	00:00:10	DS.201
	283:21 A. That is correct. I have no --		
	283:22 Q. (BY MR. EDWARDS) And you've completely		
	283:23 disregarded Dr. Purdum's study, right?		
283:24 - 283:24	Sweetin, David 2024-07-25	00:00:02	DS.342
	283:24 MR. CALB: Objection; form.		
283:25 - 284:02	Sweetin, David 2024-07-25	00:00:14	DS.202
	283:25 A. We didn't question the doctor's integrity, or		
	284:01 the professor's integrity. What was in question was the		
	284:02 reliability of the information that --		
284:03 - 284:03	Sweetin, David 2024-07-25	00:00:02	DS.343
	284:03 Q. (BY MR. EDWARDS) You ignored the --		
284:04 - 284:06	Sweetin, David 2024-07-25	00:00:06	DS.204
	284:04 A. -- that allowed them to arrive at their		
	284:05 decision.		
	284:06 Q. Right. You ignored their conclusions.		
284:07 - 284:07	Sweetin, David 2024-07-25	00:00:02	DS.344
	284:07 MR. CALB: Objection; form.		
284:08 - 284:12	Sweetin, David 2024-07-25	00:00:14	DS.205
	284:08 Q. (BY MR. EDWARDS) Right?		
	284:09 A. We didn't find any merit in it.		
	284:10 Q. You didn't find my merit in it. But you didn't		
	284:11 evaluate or investigate it. So how can you credibly say		
	284:12 you didn't find any merit in it?		
284:13 - 284:13	Sweetin, David 2024-07-25	00:00:05	DS.345
	284:13 MR. CALB: Objection; form.		
284:14 - 284:14	Sweetin, David 2024-07-25	00:00:03	DS.206
	284:14 A. We didn't.		
285:05 - 285:13	Sweetin, David 2024-07-25	00:00:29	DS.346
	285:05 Q. (BY MR. EDWARDS) Or are you going to do		
	285:06 anything differently?		
	285:07 A. Well, what I can tell you is that there's not a		
	285:08 day goes by that we don't evolve in some capacity, some		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	285:09 form or fashion. And that's based on the information		
	285:10 that we have at the time. For me to sit here and tell		
	285:11 you that we're not going to take heed or -- or give		
	285:12 credibility to somebody's statement or testimony, no.		
	285:13 We -- we very much would.		
286:10 - 286:14	Sweetin, David 2024-07-25	00:00:19	DS.207
	286:10 Q. (BY MR. EDWARDS) Okay. Well, let's say the		
	286:11 court makes a conclusion that people have died as a		
	286:12 consequence of exposure to the heat. Is it -- are you		
	286:13 going to disregard the judge's conclusions as well, or		
	286:14 will you take those conclusions more seriously?		
286:15 - 286:16	Sweetin, David 2024-07-25	00:00:04	DS.347
	286:15 MR. CALB: Objection; outside the scope,		
	286:16 form.		
286:17 - 286:25	Sweetin, David 2024-07-25	00:00:35	DS.208
	286:17 A. No. Just as we've done in the past, when we		
	286:18 were instructed to -- to do something, to execute		
	286:19 something or change the manner in which we do certain		
	286:20 protocols -- or have certain protocols, then we go along		
	286:21 with it. We've never not done that when we were		
	286:22 directed to do so.		
	286:23 Q. (BY MR. EDWARDS) All right. The agency --		
	286:24 Other than the two studies you've mentioned, the agency		
	286:25 is unfamiliar with any other studies that show that air		
287:01 - 287:04	Sweetin, David 2024-07-25	00:00:15	DS.209
	287:01 conditioning protects people from the dangers of -- of		
	287:02 extreme heat exposure?		
	287:03 A. Yes, sir. These are the only two that I'm		
	287:04 aware of.		
292:06 - 292:08	Sweetin, David 2024-07-25	00:00:09	DS.210
	292:06 Q. Okay. And there's no penological purpose to		
	292:07 exposing prisoners or correctional officers to		
	292:08 dangerous, hot temperatures, right?		
292:09 - 292:09	Sweetin, David 2024-07-25	00:00:04	DS.348
	292:09 MR. CALB: Objection; form.		
292:10 - 292:10	Sweetin, David 2024-07-25	00:00:06	DS.211
	292:10 A. No, sir. There's no intended purpose.		
292:20 - 292:23	Sweetin, David 2024-07-25	00:00:14	DS.212

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	292:20 Q. You're -- are you -- are you aware that during 292:21 heat waves, it's even more dangers than other times for 292:22 inmates exposed to these -- to heat waves? 292:23 A. Potentially, yes, sir.		DS.212
294:11 - 294:23	Sweetin, David 2024-07-25 294:11 Q. But -- but heat waves -- heat waves are 294:12 particularly dangerous times. I mean, what if it was a 294:13 seven-day heat wave? Are there any policies or 294:14 procedures to evacuate the prison, to get them to a 294:15 cooler, safer temperature? 294:16 A. No, sir, just because there's a -- 294:17 Q. Okay -- 294:18 A. -- certain amount of consecutive days, we would 294:19 continue to follow our -- follow our typical protocol. 294:20 Q. Are there any plans or procedures in place to 294:21 rent or install temporary air conditioning during 294:22 lengthy heat waves? 294:23 A. No, sir.	00:00:40	DS.213
295:02 - 295:09	Sweetin, David 2024-07-25 295:02 Q. (BY MR. EDWARDS) During heat waves. 295:03 A. Well, again, they have access to air 295:04 conditioning upon request. 295:05 Q. Okay. But -- 295:06 A. Are you -- If you're saying just as a measure 295:07 of comfort, no, sir. If -- if there's a medical reason 295:08 or they're having difficulties or struggles, absolutely 295:09 they -- they have access to that through the respite.	00:00:23	DS.349
304:05 - 304:07	Sweetin, David 2024-07-25 304:05 Q. Okay. And, again, Representative Terry Canales 304:06 is somebody that you guys communicate with on a regular 304:07 basis, given his role on this committee?	00:00:12	DS.214
304:08 - 304:08	Sweetin, David 2024-07-25 304:08 MR. CALB: Objection; form.	00:00:02	DS.350
304:09 - 305:02	Sweetin, David 2024-07-25 304:09 A. Yes, sir. He's very much involved in -- 304:10 Q. (BY MR. EDWARDS) Well, here's what -- here's 304:11 what Representative Canales said, okay? "The reality 304:12 is, in Texas, we are cooking people in prisons." Does 304:13 that -- does that comment from a legislator cause you	00:01:09	DS.215

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	304:14 significant concern about the way you're handling		
	304:15 prisoner safety with regards to extreme temperatures?		
	304:16 A. No, sir. That, in and of itself, no, sir.		
	304:17 Q. Okay. Well, if it were true that you were		
	304:18 cooking people in prisons, or metaphorically cooking		
	304:19 people in prison, you know, that's about as damning a		
	304:20 statement as -- as -- as you could make to an		
	304:21 administrator who's supposed to protect people, right?		
	304:22 A. Correct.		
	304:23 Q. Okay. Now, this part I think you may agree		
	304:24 with, okay? This, installing air conditioning, is the		
	304:25 right thing to do, it is the humane thing to do, and it		
	305:01 is something we should have done a long time ago.		
	305:02 You, as an agency, agree with that, fair?		
305:03 - 305:03	Sweetin, David 2024-07-25	00:00:02	DS.351
	305:03 MR. CALB: Objection; form.		
305:04 - 305:04	Sweetin, David 2024-07-25	00:00:14	DS.217
	305:04 A. Yes, sir. I think that's a fair assertion.		
305:11 - 305:16	Sweetin, David 2024-07-25	00:00:16	DS.218
	305:11 Q. (BY MR. EDWARDS) Does that make sense to you		
	305:12 that just because you lack the money -- if you're		
	305:13 violating The Constitution and exposing people to		
	305:14 dangerous conditions when you have an obligation to		
	305:15 protect them, that an excuse, "We don't have the money,"		
	305:16 really is pretty hollow? Do you agree with that?		
305:17 - 305:17	Sweetin, David 2024-07-25	00:00:06	DS.352
	305:17 MR. CALB: Objection; outside the scope.		
305:18 - 305:19	Sweetin, David 2024-07-25	00:00:07	DS.219
	305:18 A. It could be if it was in that person's rightful		
	305:19 hands to be able to make a difference.		
306:01 - 306:12	Sweetin, David 2024-07-25	00:00:40	DS.220
	306:01 Q. (BY MR. EDWARDS) You see the quote where it		
	306:02 begins, "The reality"?		
	306:03 A. Yes, sir, I see it.		
	306:04 Q. Would you read that paragraph, just those		
	306:05 three -- three lines, to Judge Pittman, please.		
	306:06 A. "'The reality is what we're doing is		
	306:07 disgusting. It's truly disheartening,' Canales told the		
	306:08 House Corrections Committee last month. 'I don't think		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	306:09 we have a money problem. I think we have a give-a-damn		
	306:10 problem."		
	306:11 Q. Now, that's pretty damning -- a damning		
	306:12 critique of the agency in the state of Texas, right?		
306:13 - 306:13	Sweetin, David 2024-07-25	00:00:03	DS.353
	306:13 MR. CALB: Objection; outside the scope.		
306:14 - 306:14	Sweetin, David 2024-07-25	00:00:10	DS.221
	306:14 A. Yes, sir, I would agree with that.		
307:08 - 307:11	Sweetin, David 2024-07-25	00:00:14	DS.222
	307:08 Q. Well, if you know something is hurting people		
	307:09 and you know how to fix it, but you don't fix it,		
	307:10 couldn't -- couldn't someone credibly say you don't give		
	307:11 a damn?		
307:12 - 307:12	Sweetin, David 2024-07-25	00:00:04	DS.354
	307:12 MR. CALB: Objection; outside the scope.		
307:13 - 307:14	Sweetin, David 2024-07-25	00:00:05	DS.223
	307:13 A. Well, someone could credibly say that about the		
	307:14 legislature as well.		
309:01 - 309:09	Sweetin, David 2024-07-25	00:00:30	DS.224
	309:01 Q. Sure. You would tell Lieutenant Governor		
	309:02 Patrick or Governor Abbott, or any senator, if asked,		
	309:03 "Should we provide the money to air-condition the Texas		
	309:04 Prison System," you -- you would say, "Yes, please fund		
	309:05 us for the good of the men and women working at TDCJ,		
	309:06 for the good" -- "for the good it will do in terms of		
	309:07 staffing and protecting those men, and for the good it		
	309:08 will do to protect the inmates from these dangers."		
	309:09 That's who you would say, right?		
309:10 - 309:10	Sweetin, David 2024-07-25	00:00:01	DS.355
	309:10 MR. CALB: Objection; form.		
309:11 - 309:14	Sweetin, David 2024-07-25	00:00:12	DS.225
	309:11 A. I don't know that it would be articulated like		
	309:12 that. But what I can tell you is, yes, sir, if given		
	309:13 the appropriate funding to do more than what we're		
	309:14 doing, absolutely. There's no reason why we wouldn't.		
310:16 - 310:22	Sweetin, David 2024-07-25	00:00:28	DS.226
	310:16 Q. (BY MR. EDWARDS) No, no. Sir, this -- this		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	310:17 person on the committee is saying, we'd like an		
	310:18 independent cost analysis, not -- not controlled by		
	310:19 TDCJ, given the agency's history of inflating the		
	310:20 numbers. In response to that, did the agency conduct or		
	310:21 seek out an independent cost analysis?		
	310:22 A. No, sir, not that I'm aware of.		
313:21 - 313:24	Sweetin, David 2024-07-25	00:00:14	DS.227
	313:21 Last -- last couple of questions go to this		
	313:22 heat sensitivity score. You have no idea how it's		
	313:23 actually calculated, correct?		
	313:24 A. No, sir.		
314:08 - 314:09	Sweetin, David 2024-07-25	00:00:04	DS.356
	314:08 Q. (BY MR. EDWARDS) No, and I -- I appreciate		
	314:09 that. You know, I could make an argument that you ought		
314:10 - 314:14	Sweetin, David 2024-07-25	00:00:16	DS.228
	314:10 to. But I -- I don't know for sure that -- As you		
	314:11 testify here today, though, you don't know what		
	314:12 percentage of people who are medically vulnerable are		
	314:13 not currently housed in air conditioning, correct?		
	314:14 A. No, sir, I do not.		
315:14 - 315:24	Sweetin, David 2024-07-25	00:00:34	DS.229
	315:14 Q. (BY MR. EDWARDS) Now, in this paragraph it		
	315:15 says approximately 80 percent of the heat-sensitive		
	315:16 inmates that -- however TDCJ categorizes them -- have		
	315:17 been relocated to air-conditioned beds. Do you see		
	315:18 that?		
	315:19 A. Yes, sir, I see that.		
	315:20 Q. That means 20 percent of heat-sensitive		
	315:21 inmates, according to you guys, which may very well be		
	315:22 very under inclusive, aren't in air-conditioned beds, at		
	315:23 least as of 2020. Do you agree with that?		
	315:24 A. I'm not sure I agree with that interpretation.		

Plaintiff Designations	00:34:26
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Defendant Cross-Designations	00:46:28
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Overlaps	00:51:15
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TOTAL RUN TIME	02:12:09
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